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ABSTRACT

Phase I of the Day Care Licensing Study is presented. It includes a summary of findings, conclusions, and recommendations; two sections on day care regulations; a section on day care facilities; and a section on the climate for change. Appendices include: Methodology; Depts. of State Government Responsible for Licensing Day Care Facilities; Exceptions and Exclusions; Points of Delay in the Licensing Process; Problems of Coordination with Cooperating Agencies; Ways of Speeding up the Licensing Process; Education and Training Requirements for Day Care Center and Family Day Care and Group Day Care Home Staff; Age Range, Group Size, and Child/Staff Ratio Requirements; Discrepancies most Frequently Responsible for License Denials; and Anticipated Revisions in Regulations. (DJ)

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DAY CARE LICENSING STUDY
SUMMARY REPORT ON PHASE I:
STATE AND LOCAL DAY CARE LICENSING REQUIREMENTS

A joint endeavor of the Office of Child Development and the
Office of Economic Opportunity

OCD Project Manager: Dollie Lynch
OEO Project Manager: Claude Kinard III

Prepared for
The Office of Child Development
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Prepared by
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In Conjunction with
Consulting Services Corporation

COVER:
Bret Olsen
PHOTOGRAPHS BY:
Michael Hagen
Susan Miller
James Morley

ERRATA

p. 20 Table 3

The left hand portion of the table under TERM and the right hand portion of the table under HOME SHOULD READ:

<u>TERM</u>	<u>HOME</u>	
	<u>number of states**</u>	<u>percent of states***</u>
1 year	36	92
2 years	2	5
3 years		
indefinite*	<u>1</u>	<u>2</u>
	39	100%

In the footnotes to the table, the double asterisk SHOULD READ:

** Excludes 11 states in which licensing of family day care homes is not mandatory.

The triple asterisk SHOULD READ:

*** Based on 39 states with mandatory licensing of family day care homes.

p. 25 Table 6

The symbols missing from the table and footnotes and referring to the footnotes:

No mandatory licensing for Family day care homes

No mandatory licensing for day care centers

No licensing law for homes

SHOULD BE:

Identical to the symbols on Table 5, pages 22 and 23.

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CONSULTANT QUALIFICATIONS

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CONSERCO, with offices in Seattle, Washington, is a firm specializing in economic and educational research and governmental services. Clients include private business, legislative bodies, and local, state and Federal government.

During the last three years, CONSERCO has participated in over 20 major research and planning projects. A recent company project involved the design and testing of a management information system which will best serve the needs of national policy makers in the field of education.

In the area of urban and regional planning, the company has completed all or a portion of planning projects for states, multi-county regions, counties, cities and projects within cities, such as business district planning. Urban and regional plans have been prepared for five states, fourteen counties, and twenty cities.

National research and evaluations in the social sciences include studies of: adult education and training programs, migrant education, economic impacts of public policies, social service delivery systems, and program management information.

A listing of clients and descriptions of projects recently completed may be obtained on request.

INTRODUCTION

This report on Phase I of the Day Care Licensing Study presents the findings and conclusions of the data gathering phase of a larger three-phase study of day care licensing statutes, regulations, procedures, and practices in the fifty states and the District of Columbia. The overall purpose of the three-phase licensing study is to improve the efficiency of the day care licensing process and to develop model statutes, codes, and standards which are realistic and enforceable and which, at the same time, protect and enhance the welfare of children.

The U.S. Department of Health, Education and Welfare, anticipating a rapid expansion of the demand for day care as a supportive service to major Federal welfare and employment programs, has commissioned this study (a) to determine the present standards and processes involved in the state and local day care licensing process and (b) to assist in developing solutions for improving these conditions and processes which can be implemented nationally.

In keeping with the general approach indicated above, the principal objectives of the overall day care licensing project are:

- Phase I: Determine the status of licensing in the various states and the extent to which the licensing process might be a deterrent to future expansion of day care facilities.
- Phase II: Develop model statutes, codes, regulations and administrative procedures for possible future adoption by state and local government. The models should capitalize on the strengths found in existing licensing programs, they should be sufficiently realistic to gain wide-spread acceptance, and they should be enforceable.
- Phase III: Present the models to national and regional conferences and local officials in such a way as to clarify the benefits and encourage their adoption by state and local government.

The indication from the states is that the climate is right for day care licensing reform. Thirty-seven of the fifty states indicated that they plan major changes in their regulations during the next two years. It is expected that the findings of this research, together with coordination and information dissemination efforts by the Office of Child Development and the Office of Economic Opportunity will serve as the focal point and cohesive factor in achieving more effective day care standards and licensing processes.

The information presented in this report is derived from (a) a survey of licensing agencies in all the states; (b) a telephone survey of applicants from 40 states who had begun the day care licensing process, but who had apparently withdrawn; (c) a special follow-up survey of state licensing officials, city and county officials involved

FIGURE 1
STATES INCLUDED IN FOLLOW UP SURVEY

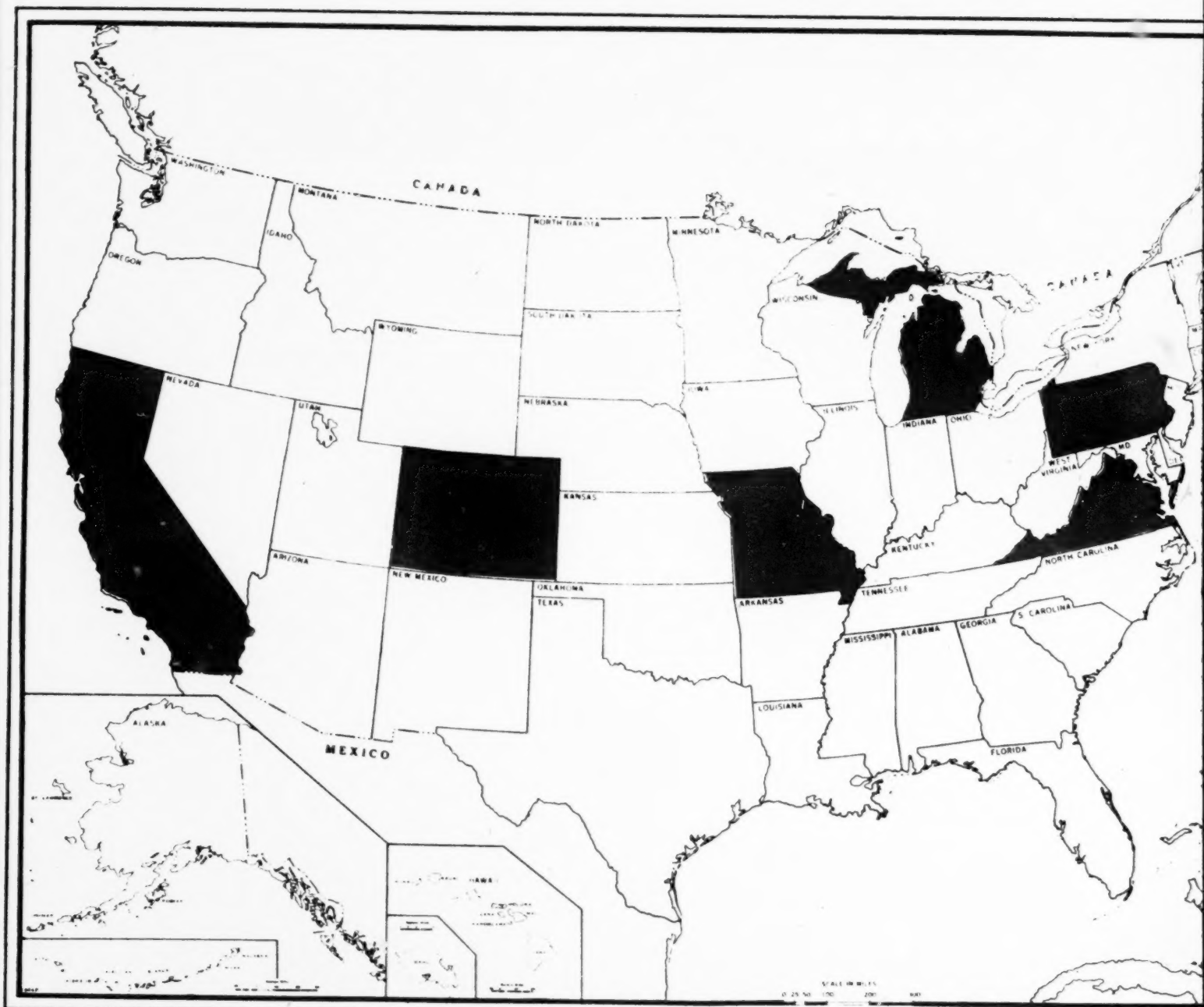
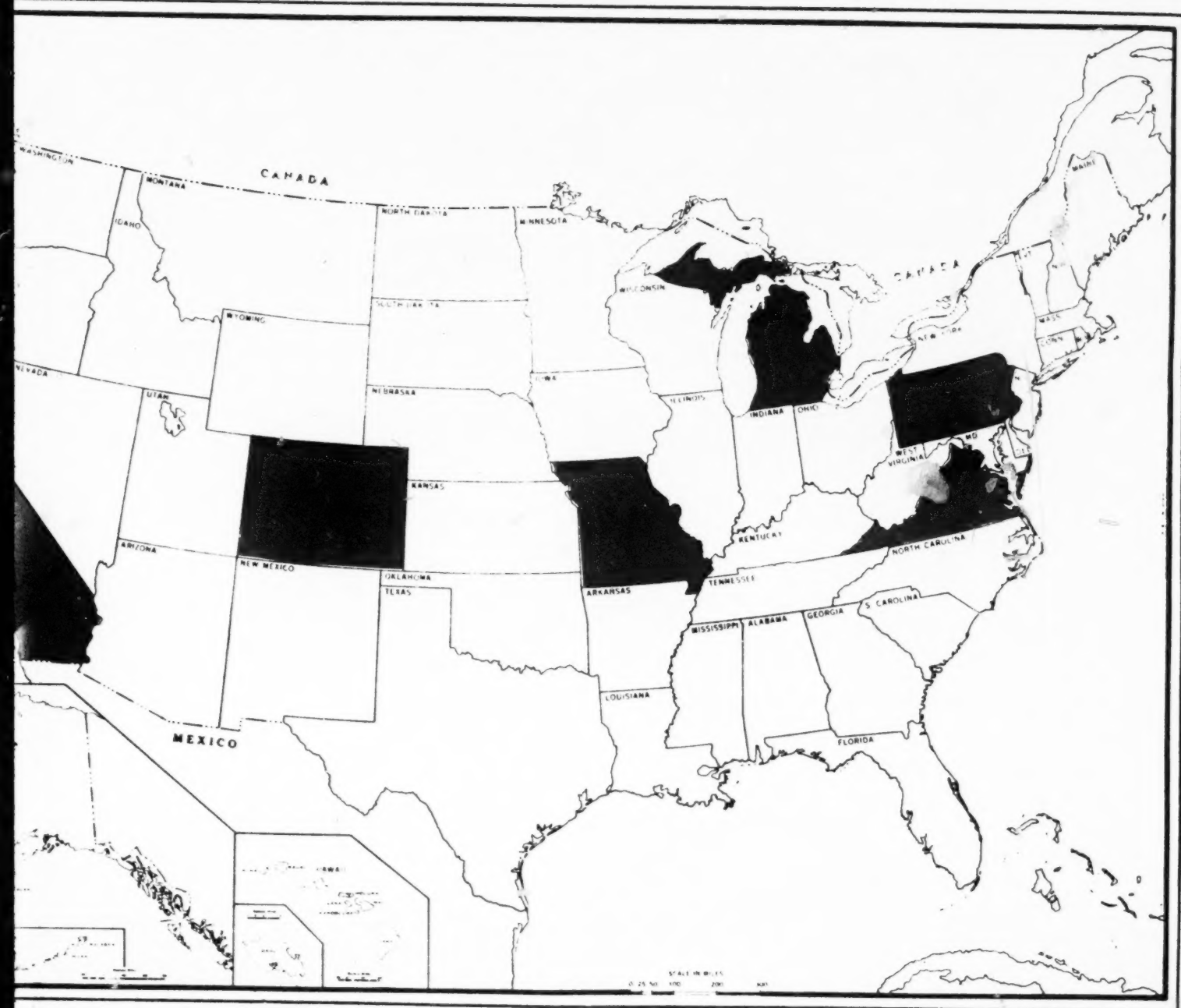


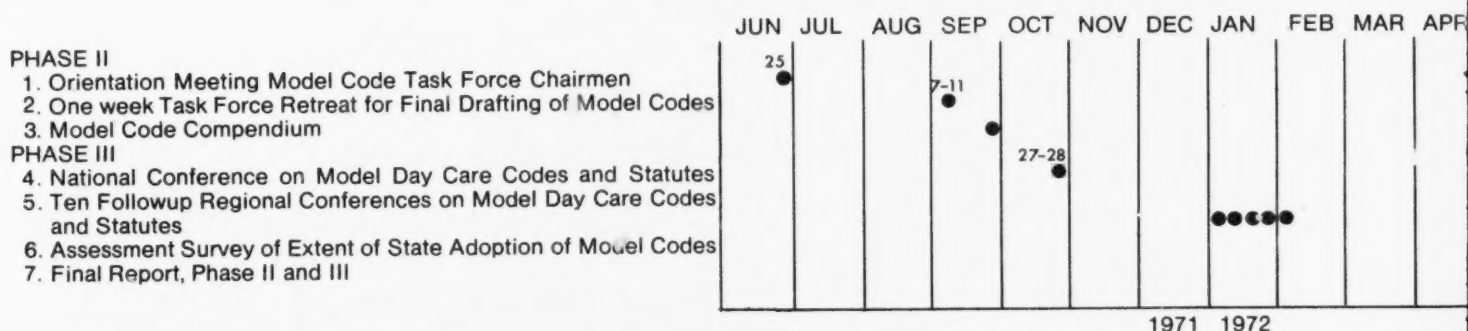
FIGURE 1
STATES INCLUDED IN FOLLOW UP SURVEY



in day care licensing, and day care facility operators in six selected states; and (d) the published day care regulations from each of the fifty states and the District of Columbia. The data on regulations, due to their bulk, are presented separately in two compendium volumes—Part I: Abstracts of Day Care Home Regulations and Part II: Abstracts of Day Care Center Regulations. The six states selected for the follow-up survey are shown in Figure 1.

The present report, therefore, should be viewed only as the first step in a much larger research and information dissemination project. Figure 2 presents the major work tasks and time schedule for Phases II and III. As can be seen from the schedule, the model statutes, regulations, and procedures will be drafted and criticized by six task forces composed of Federal, state, and local licensing officials, as well as experts in the various fields pertinent to day care licensing. The national conference to present these model day care statutes, codes, and administrative processes is scheduled for October 27-28, 1971. Following the national conference, a series of ten regional conferences is scheduled in order to promulgate the information nationally, to encourage the adoption of the codes and statutes, and to gain feedback from the individual states and local governments. With state licensing authorities indicating their desire to change regulations and procedures and with the Office of Child Development serving as the national catalyst and coordinator, it is reasonable to assume that major improvements in day care licensing can be realized over the next 24 months.

FIGURE 2
SCHEDULE OF MAJOR OUTPUT AND MEETING DATES—DAY CARE LICENSING STUDY

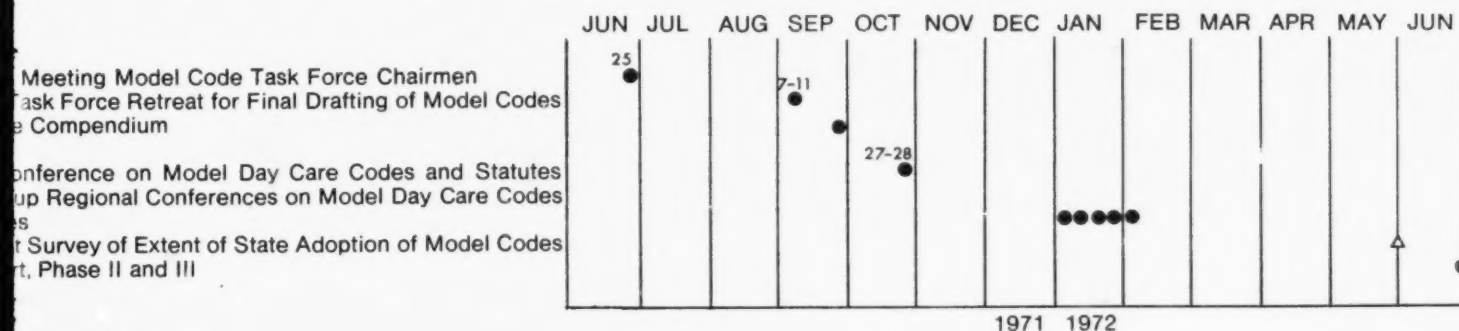


- △ completion of survey
- output
- meeting or conference date

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FIGURE 2
SCHEDULE OF MAJOR OUTPUT AND MEETING DATES-DAY CARE LICENSING STUDY



SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

FINDINGS

REGULATION

1. There are three major types of day care facilities licensed in the United States:

Family Day Care Homes — a category in 48 state regulations
Group Day Care Homes — a category in 9 state regulations
Day Care Centers — a category in 50 state regulations

These three categories are not similarly defined from state to state.

2. State licensing of family day care homes is not mandatory in 11 states and Georgia, which has regulations, does not license family day care homes. Licensing of centers is voluntary in Mississippi, and the center licensing regulation has been overturned by court action in Idaho.
3. In a few states requiring licenses, there are large gaps in coverage where licensing is not mandatory for all cities and counties.
4. Requirements for family day care homes are less stringent and comprehensive than requirements for day care centers. This is true for the zoning, fire safety, and building code requirements of local governments, as well as the physical facility and program requirements of the state licensing agency.
5. The day care licensing regulations of 60 per cent of the states contain provisions for infant care in day care centers when special requirements are met. Three of six states visited in the follow-up survey had state requirements for infant care. However, in Virginia there were no centers with infants in care, in California infant care in centers was rare and discouraged by the licensing agency, and in Colorado, the space requirements are doubled when infants are in care.
6. Except for the state licensing regulations, day care facilities are not usually specifically defined or classified in state or local regulations applied to day care facilities by inspectors. Zoning, fire safety, health, and building code requirements are usually not coordinated with state day care licensing regulations.
7. Inspectors outside the licensing agency often do not have guidelines for application of the regulations to day care facilities.
8. Local regulations for fire safety, health, and building usually increase in stringency as the population density increases. Both the number of separate regulations to be met and the sophistication of their requirements are highest in urban metropolitan areas.

9. In most cases, applicants do not consider requirements unrealistic, but the cost of meeting the requirements is often inhibitory.

PROCEDURES

10. The licensing authority in most states (84%) is the department of welfare or its equivalent.
11. Typically, day care centers are licensed by the state welfare department, and day care homes by local county welfare departments.
12. The department of welfare relies on other state agencies, principally the office of the fire marshal and the department of health, for most of the inspections and reports involving health, sanitation, and fire safety.
13. The actual inspections of day care facilities and consequent reports are usually made by city and county agency staff without reimbursement from the state.
14. Although there are many similarities, no two states, cities, or counties follow the same specific procedures or interpret regulations in the same way.
15. Approximately 15 to 20 major work tasks are required of an applicant in the licensing process, assuming that all regulations are met on the initial attempt and that second and third inspections are not necessary. When the tasks of government officials are included, the total number of tasks in a typical licensing process approximates 50 to 75. If re-inspections are required, or other licensing problems occur, in excess of 100 tasks may need to be performed by the applicant and a variety of agencies at different levels of government.
16. The greatest problems of coordination cited by the state licensing authorities were in dealing with the state fire marshal, the local fire marshals, the local health officers, and the state health officers—in that order.
17. Thirty-seven state licensing authorities plan major revisions in their regulations during the next two years.

POINTS OF DELAY

18. Delays in the licensing process attributed to government offices by state licensing agencies and the approximate average number of days' delay are as follows:

Delays attributed to:	Licensing Agency
Fire Inspection	65 days
Sanitation Inspection	35 days
Health Inspection	35 days
Zoning	50 days

These delays can be cumulative.

19. The most frequent reasons given by the state for delays in licenses to initial license applicants were that the applicants lacked qualified staff, failed to comply with fire codes, and had uncorrectable building violations.
20. Persons who had initiated the licensing process over 12 months ago, but had not completed the process were asked why they had not done so. Forty-eight percent said they had encountered problems meeting regulations; others gave business reasons (38%) and personal reasons (14%). Applicants said the most difficult regulations to meet were the physical structure requirements for the day care facility and the fire safety requirements required for an operating facility.
21. The state licensing agencies indicated that the best ways to speed up the licensing process, without loss of effectiveness, are to increase the licensing staff, improve administrative procedures, re-organize local staff, and develop more written state requirements, codes and guidelines specifically designed for day care.

CONCLUSIONS

1. There is a tendency for states to include too much detail in statutes authorizing regulation of day care facilities.
2. A standardized method of classification of day care homes and day care centers is needed. At present, the three generally accepted classifications are family day care homes, group day care homes, and day care centers which differ widely in regulations from state to state, making meaningful comparisons between states difficult.
3. The applicants surveyed seldom had adequate information concerning specific code requirements during the pre-application stage. Few licensing workers had informed the applicants of specific local zoning and building requirements. Early knowledge by the applicant of all the requirements, both state and local, for obtaining a day care license can expedite the licensing process by eliminating costly false starts and mistakes which must be corrected later. There is a need for a standard format for presentation of requirements to potential applicants.
4. State and local agency standards for day care licensing have been developed by different people under different circumstances for different reasons, and very often without coordination of parallel or conflicting requirements of other agencies. This piecemeal approach, so often used in the past, is too inefficient and costly to be allowed to continue unchanged. In most cases, it is the applicant who must spend the time to pay the cost of assembling a comprehensible view of the different requirements he must meet. The applicant must coordinate the conflicting requirements to the agreement of all agencies requiring compliance with their rules.
5. Some requirements are unrealistically stringent. Local requirements considered over-stringent by operators of day care facilities result more from default than design; these requirements often occur when all day care homes and/or centers are categorized with a group of other uses with higher risk.

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In most cases, applicants do not consider requirements unrealistic, but the cost of meeting the requirements is often inhibitory.

PROCEDURES

The licensing authority in most states (84%) is the department of welfare or its equivalent.

Typically, day care centers are licensed by the state welfare department, and day care homes by local county welfare departments.

The department of welfare relies on other state agencies, principally the office of the fire marshal and the department of health, for most of the inspections and reports involving health, sanitation, and fire safety.

The actual inspections of day care facilities and consequent reports are usually made by city and county agency staff with reimbursement from the state.

Although there are many similarities, no two states, cities, or counties follow the same specific procedures or interpret regulations in the same way.

Approximately 15 to 20 major work tasks are required of an applicant in the licensing process, assuming that all regulations are met on the initial attempt and that second and third inspections are not necessary. When the tasks of government officials are included, the total number of tasks in a typical licensing process approximates 50 to 75. If reinspections are required, or other licensing problems occur, in excess of 100 tasks may need to be performed by the applicant and a variety of agencies at different levels of government.

The greatest problems of coordination cited by the state licensing authorities were in dealing with the state fire marshal, the local fire marshals, the local health officers, and the state health officers—in that order.

Forty-seven state licensing authorities plan major revisions in their regulations during the next two years.

SOURCES OF DELAY

Delays in the licensing process attributed to government offices of state licensing agencies and the approximate average number of days' delay are as follows:

Delays attributed to:	Licensing Agency
Fire Inspection	65 days
Sanitation Inspection	35 days
Health Inspection	35 days
Zoning	50 days

These delays can be cumulative.

- The most frequent reasons given by the state for denying licenses to initial license applicants were that the applicants lacked qualified staff, failed to comply with fire codes, or had uncorrectable building violations.
- Persons who had initiated the licensing process over 12 months ago, but had not completed the process were asked why they had not done so. Forty-eight percent said they had encountered problems meeting regulations; others gave business reasons (38%) and personal reasons (14%). Applicants said the most difficult regulations to meet were the physical structure requirements for the day care facility and the fire safety apparatus required for an operating facility.
- The state licensing agencies indicated that the best ways of speeding up the licensing process, without loss of effective program control, are to increase the licensing staff, improve state administrative procedures, re-organize local staff, and develop more written state requirements, codes and guidelines specifically designed for day care.

CONCLUSIONS

- There is a tendency for states to include too much detail in statutes authorizing regulation of day care facilities.
- A standardized method of classification of day care homes and day care centers is needed. At present, the three generally accepted classifications are family day care homes, group day care homes, and day care centers which differ widely in definition from state to state, making meaningful comparisons between states difficult.
- The applicants surveyed seldom had adequate information concerning specific code requirements during the pre-application stage. Few licensing workers had informed the applicant of specific local zoning and building requirements. Early knowledge by the applicant of all the requirements, both state and local, for obtaining a day care license can expedite the licensing process by eliminating costly false starts and mistakes which must be corrected later. There is a need for a standard format for presentation of requirements to potential applicants.
- State and local agency standards for day care licensing have been developed by different people under different circumstances for different reasons, and very often without consideration of parallel or conflicting requirements of other agencies. This piecemeal approach, so often used in the past, is simply too inefficient and costly to be allowed to continue unchecked. In most cases, it is the applicant who must spend the time and pay the cost of assembling a comprehensible view of the divergent requirements he must meet. The applicant must resolve the conflicting requirements to the agreement of all agencies requiring compliance with their rules.
- Some requirements are unrealistically stringent. Local requirements considered over-stringent by operators of day care facilities result more from default than design; these requirements often occur when all day care homes and/or centers are classed categorically with a group of other uses with higher risk factors.

resulting in a need for higher safety standards than are necessary for day care facilities. Many of the requirements considered unreasonable by operators of day care facilities could be changed if local officials were properly approached and provided with the information needed to improve the local requirements.

6. It would appear that several aspects of the day care licensing administrative procedures will severely inhibit rapid expansion of national day care programs. The major factors appear to be:
 - a. Existing standards are not interpreted uniformly from one year to the next and from one geographic area to the next due to staff turnover and inadequate training programs.
 - b. Central control of the speed of licensing is weakened by the layers of local zoning, building, etc., requirements, which are out of the jurisdiction of the licensing agency, and by reliance on the cooperation of inspecting agencies which give low priority to day care inspections.
7. Some inspectors tend to apply different criteria for evaluating facility and program for white and minority day care centers.
8. On the basis of statements by the licensing agencies in all six states visited in the follow-up survey, a major concern of licensing agencies is the lack of strong legal teeth they need to revoke the license of a "bad" day care facility and keep the facility closed.
9. The types of day care now excluded in state day care statutes and regulations range from care provided to a child by a relative to facilities operated by governmental agencies. In some instances, these exclusions generate separate sets of licensing requirements and dual licensing agencies within a state which are licensing parallel child care programs.

RECOMMENDATIONS

1. To ensure cooperation and coordination of the day care licensing functions of the state licensing agency and "other" state and local agencies involved in evaluating day care facilities, the state statute authorizing day care licensing should provide for the establishment of either a permanent or ad hoc committee to review and coordinate day care licensing regulations and procedures. The committee should include representation from all the state agencies which assist the licensing authority and should be required periodically to update and improve the regulations and licensing process.

Annual coordinative meetings between the state licensing agency and assisting state agencies should be required in all instances, including those states where licensing agency staff are assigned to accomplish liaison between the licensing agency and state and local inspecting agencies.

2. State day care legislation should give the state licensing agency adequate authority to deny or revoke licenses and to initiate action in the courts against those facilities which continue to operate after their licenses have been denied or revoked.

3. Performance standards which allow for alternatives in meeting

requirements should be used where possible in both state and local regulations to allow the greatest flexibility to licensing workers and inspectors in evaluating a day care facility for licensing.

4. Written guidelines or manuals of interpretation should be developed for use by inspectors in applying specific state and local codes to day care. The guidelines and manuals should be developed by the state or local inspecting agency in concert with the state licensing agency and should consider incorporation of national models.
5. Workshops for all state and local inspectors of day care facilities should be given at regular intervals to train, compare procedures, and evaluate the present system. Training programs could be conducted by the Office of Child Development to train a cadre of state trainers in keeping with manuals and materials prepared by the Office of Child Development that would assure some degree of uniformity in coordination between agencies, reducing duplication and conflict.
6. Provisions for use of modular units for day care facilities should be included in the industrialized building unit (factory-built housing) laws of the states which presently have such legislation in force. The state licensing agency should advocate passage of an industrialized building unit law providing for day care use in those states which do not yet have such legislation.
7. For each type of day care facility, sets of materials should be prepared for potential day care applicants containing state regulations, a copy of all forms used by inspectors, and a list of steps the applicant needs to follow to complete the licensing process.
8. Licensing specialist positions should be created within the licensing agency to provide agency expertise in the health and sanitation and fire safety and building codes aspects of day care licensing. This could be accomplished in different ways.

In one approach, a licensing specialist trained in child development would recommend program consultation where needed, but his primary job would be to license the physical facilities to house a day care program meeting minimum state standards. He would be familiar with all local code requirements that must be met by a day care facility in order to obtain a license. He would be trained to help applicants through the maze of local building, zoning, business license, etc., requirements, arrange for team inspections to eliminate conflicting recommendations by inspectors, and otherwise speed up licensing procedure. The licensing specialist could also reinspect for facility correction of minor deficiencies noted in facility inspections by other agencies, alleviating the need for reinspection by local inspectors.

Another approach would be to establish specific higher level fire and safety and health and sanitation liaison positions within the state licensing agency. These specialists would coordinate the physical facility inspection aspects of licensing for all day care facilities licensed by the state.

In both approaches, interagency agreements should be drawn up providing for reimbursement by the licensing agency for day care facility inspection costs.

9. Consideration should be given to extending the period of license

for all day care facilities to two years, assuming some systematic monitoring on at least an annual basis be accomplished by the appropriate inspecting agencies.

10. The "registration" of family day care homes should be studied to determine whether this would speed the supply of day care facilities without loss of concern or protection for the child in care.
11. Uniform definitions and models for treatment of day care homes and day care centers should be developed and incorporated into nationally used model building and fire safety codes to eliminate the disparity between these national codes in the classification and resultant structural and equipment requirements.
12. State licensing agencies and the Office of Child Development

should develop an information program to educate local officials and the general public on the advantages and desirability of licensed day care facilities over unlicensed facilities.

13. The prevailing viewpoint of the states is that the standards need to be reviewed and changed. In all likelihood, the changes presently anticipated by the states will result in some slight localized improvements, but the basic problems will remain. Further, there is no national "State Licensing Association" to serve as a forum for exchange of information and coordinated development of procedures among the states. It, therefore, would seem imperative that the Federal government take a leadership position and prepare proposed model day care standards and administrative procedures for the states to consider during this critical period of change, and encourage formation of a national association of licensing personnel.







THE DAY CARE LICENSING PROCESS

This section of the report examines the governmental coordination involved in the granting of a day care license, including the number of agencies involved and their respective organizational structure.

From the analysis of the day care licensing procedures submitted by each of the fifty states and from data obtained during the six-state field study, two factors appear to be most significant: (a) the role of city and county government is nearly equal to that of the states' in processing applications for day care licenses and (b) there is a dramatic lack of uniformity among states and within states on almost any aspect of the day care licensing process.

STATE ORGANIZATION FOR DAY CARE LICENSING

Due to the lack of uniformity among the state licensing administrative systems, points of commonality have been extracted and molded into an administrative system which is generalized to some degree to highlight key points in the administrative systems of all fifty states.

The administrative systems described below for day care centers and day care homes are not meant to depict those of any particular state, but to reflect the common dispersion of authority within the licensing agency and among cooperating agencies. Additionally, the departmental titles used in the descriptions reflect the titles generally used in most states.

TYPICAL ORGANIZATION FOR LICENSING FAMILY DAY CARE HOMES

The licensing organization which deals with day care homes differs from the one which licenses day care centers. The typical administrative organization involved in the licensure of day care homes, graphically portrayed on the next page, was developed from data submitted by all of the state licensing authorities and subsequently was found in the six states visited.

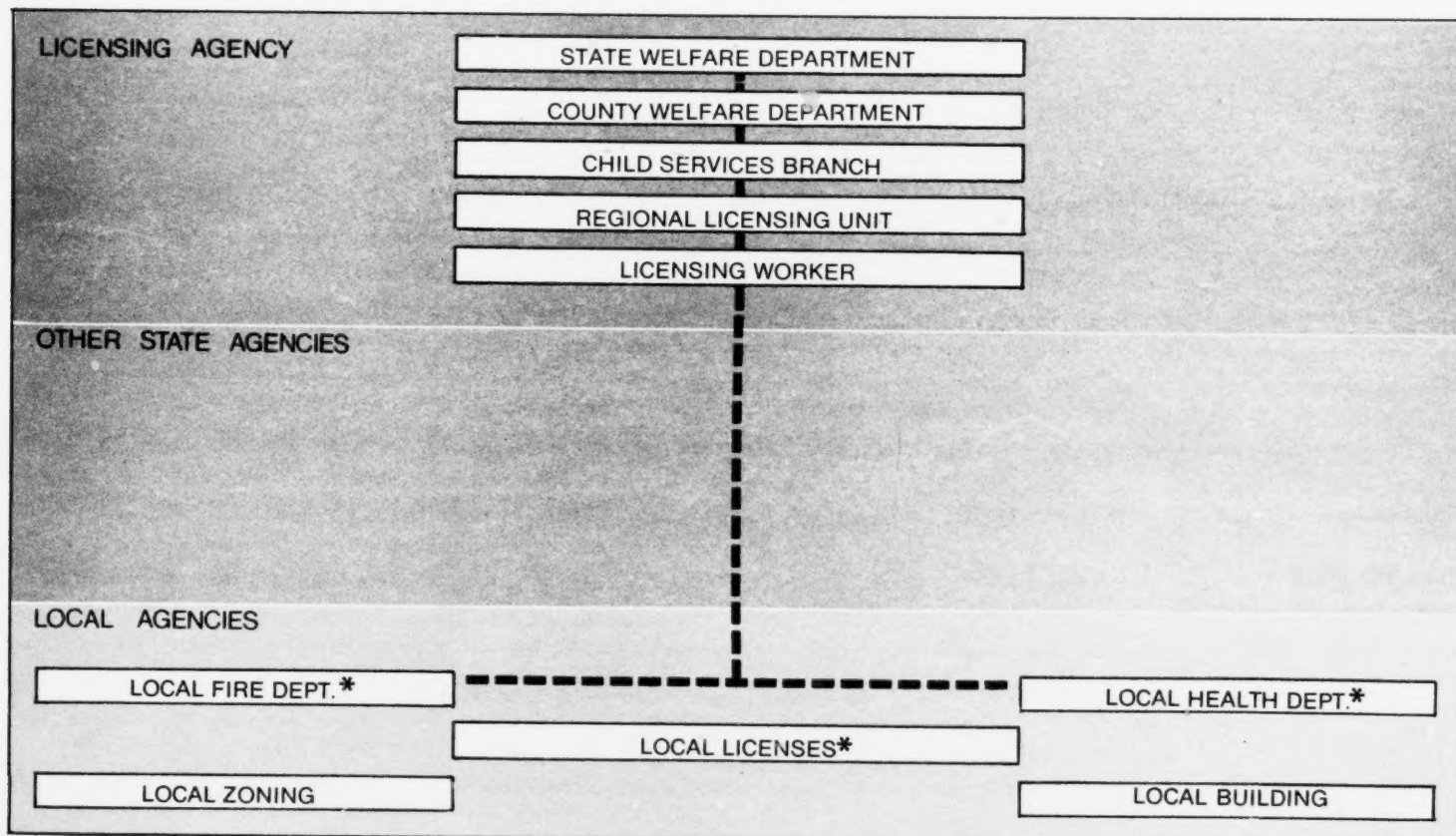
The licensing authority, the State Welfare Department or its equivalent, has given County Welfare Departments the responsibility of licensing day care homes. The evaluation of all aspects of the day care home is accomplished by the licensing worker except in some instances when a requirement exists for the home to be inspected by a local health and/or fire department.

Typically, the director of the local Welfare Department administers day care home licensing utilizing the "Child Services Branch." Located within this branch is the "Licensing Unit" whose personnel

accomplish the daily licensing responsibilities. This unit's licensing workers are assigned to specific geographical areas within the city or county.

State Health Department and State Fire Marshal personnel typically are not involved in the inspection and evaluation of day care homes. The licensing worker requests an inspection by a local health and/or fire department in such instances where: (a) it is required by local ordinances, (b) the home has a private water and/or sewage disposal system, or (c) the licensing worker feels that the housekeeping of the facility is not conducive to a sanitary or safe environment for the children in care. These inspection requests are accomplished by letter directly to the local or fire department. After the inspection is accomplished by the local department, an evaluation report is returned to the licensing worker.

FIGURE 3
TYPICAL FAMILY DAY CARE HOME LICENSING ORGANIZATION



■ Inspection request

*Inspections are required if locally requested or worker feels it

TYPICAL ORGANIZATION FOR LICENSING DAY CARE CENTERS

The typical administrative organization for licensing day care centers, as developed from the survey of all fifty state licensing authorities and found in all six of the states visited, is graphically portrayed below and discussed in the text following.

The State Department of Welfare or its equivalent is the licensing authority in most states for day care centers. (See Appendix B.)

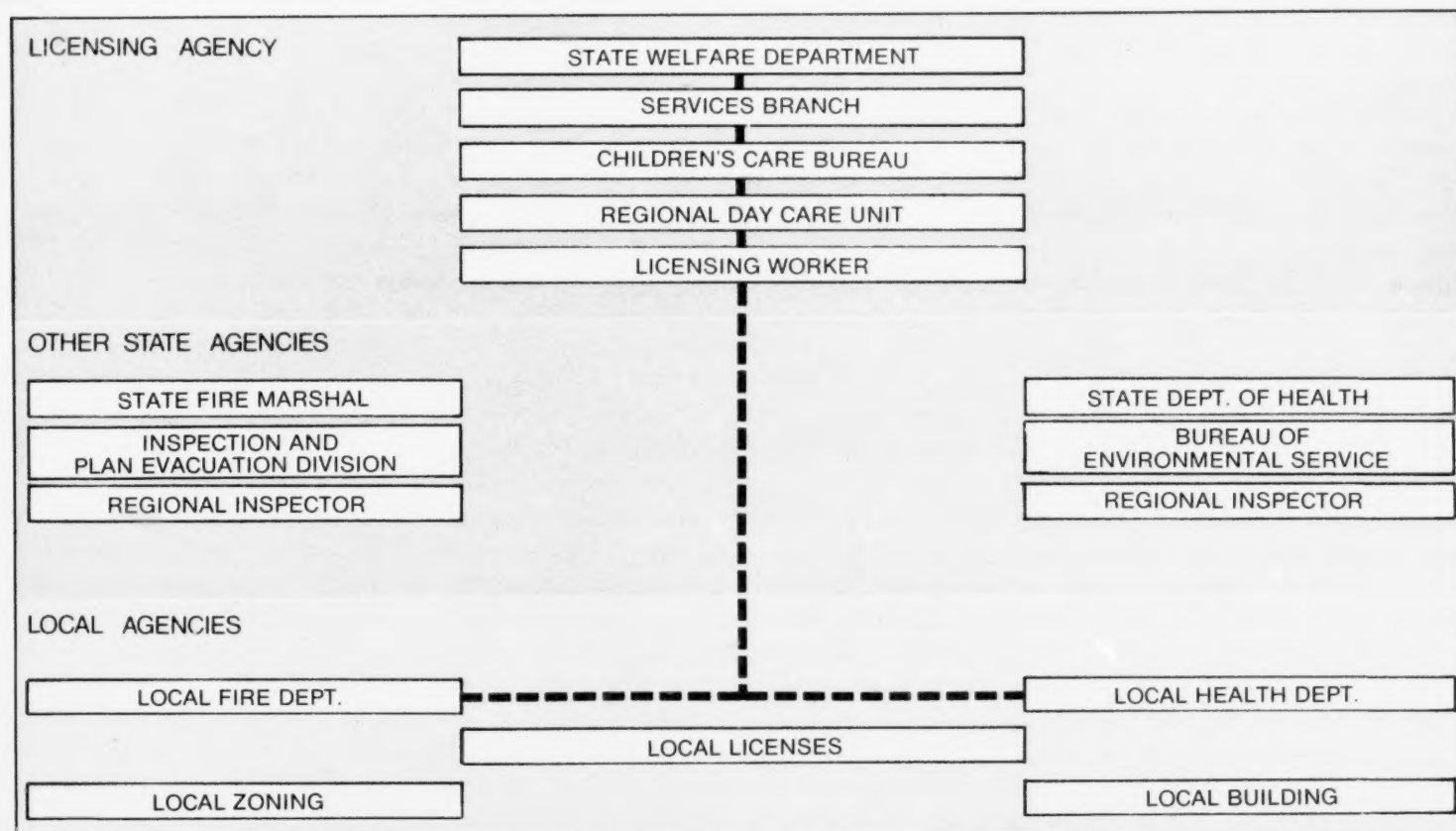
The State Department of Welfare typically places the day care licensing function in a service-oriented branch which usually is entitled the "Services Branch". This branch separates its responsibilities and places the day care licensing function under the guidance of the "Children's Care Bureau". Located within this bureau is the "Day Care Unit" whose personnel handle the day-to-day licensing activities. The Day Care Unit is decentralized, usually on a regional basis. Within the region, licensing workers are assigned specific areas determined by the population base — both by number and geographic distribution.

Other state agencies are involved in the licensing process. Typically, both health and fire inspections and approvals are handled by state agencies other than the licensing authority. The majority of these "other" state agencies assist the licensing authority as official cooperators.

The State Department of Health assists the licensing authority by ensuring that each day care center meets the minimum state sanitation requirements. Within the Department of Health, the organization which assumes this responsibility is the "Bureau of Environmental Services". This bureau is decentralized, usually in the same configuration as that of the licensing authority. County health departments usually conduct the actual health and sanitation inspections for day care centers.

The Office of the State Fire Marshal, or its equivalent, is organized in the same manner as the state health authority. Fire safety inspections and evaluations are conducted almost entirely by local fire marshals. Preliminary and final building plan evaluations are generally accomplished no lower than the regional level of the State Fire Marshal's office.

FIGURE 4
TYPICAL DAY CARE CENTER LICENSING ORGANIZATION



Inspection request

Inspection requests are sent to regional state authorities if no local

Involvement of local health and fire officials is accomplished by the state licensing worker assigned to a particular area within the state. The licensing worker utilizes an informal communication link which has generally been established with the appropriate local officials. The worker sends a form letter requesting that a fire and health inspection be made of a day care center to the local inspecting agency and that a report of the inspection listing any discrepancies noted be returned to the licensing worker. A local cooperating health or fire authority will conduct the actual on-site inspection for the regional office of the state agency. In localities which do not have a local health or fire authority, the state regional employee will conduct the facility inspection and evaluation.

Thus, the state organizational framework for the licensing of day care centers can be summarized as follows:

The Department of Welfare is the principal licensing agency, but it relies on the State Department of Health and the State Fire Marshal for inspections and evaluations relative to health, sanitation, and fire standards. These two state agencies then arrange inspections with city and county sanitarians and fire officials to inspect a day care center at the official request of a local licensing worker. After facility examinations have been accomplished, inspection reports are sent to the State Department of Welfare licensing worker.

LOCAL AGENCIES INVOLVED IN THE DAY CARE LICENSING PROCESS

In nearly every state, city and county officials are significantly involved in the total licensing procedure which an applicant must complete. Some aspects of the licensing process, such as zoning and business licenses, are almost entirely the prerogative of local units of government and do not involve state agencies. Cities and counties are also involved in many aspects of the "state" licensing process. The possible combination of state-local agency involvement in the administrative process is almost endless; at least half of the inspection and monitoring tasks are conducted by city and county agencies. These steps include, but are not limited to the following critical areas:

1. Fire safety clearance
2. Sanitation clearance
3. Food service and food handlers' permits
4. Water supply and sewage system certification.

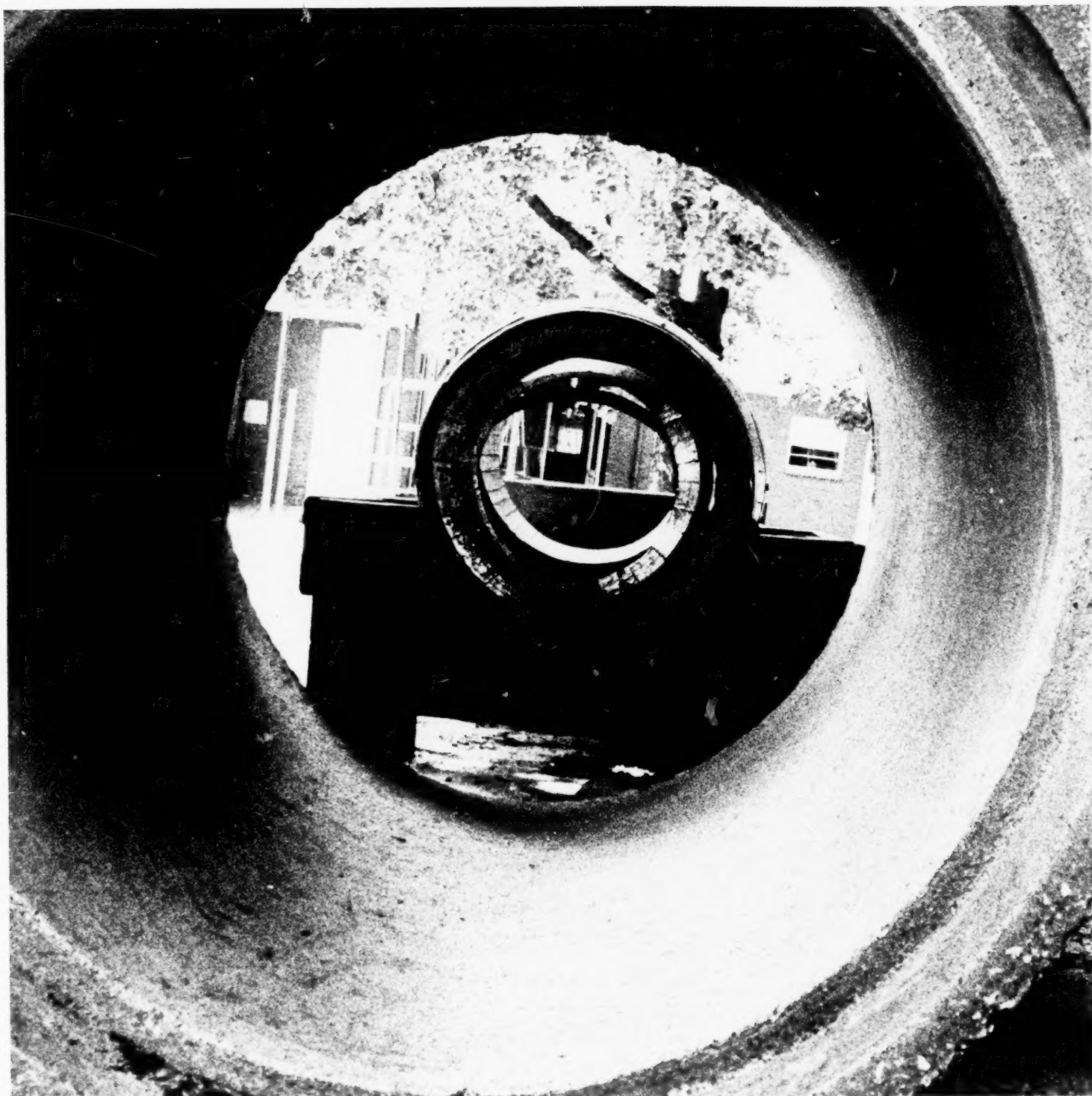
Local requirements, beyond those of the state, frequently include:

1. Zoning requirements
2. Building, electrical, and plumbing permits and clearances for new or renovated facilities
3. Additional local fire and sanitation requirements
4. Local business licenses.

Less frequently, an additional local license for day care facilities is required.

It would seem entirely possible, then, that city and county governments are responsible for at least half of the work load involved in the total licensing process (i.e., all state and all local licensing requirements combined).

Thus, many of the major decisions affecting the granting of a day care license are not made by the state licensing authority. Furthermore, only a few states reimburse these local governments to conduct certification inspections for them. As stated by many of the licensing agencies in the fifty-state survey and supported by the field discussions with individual state and local licensing personnel, the lack of state funding for local inspections and the subsequent low priority given to these inspections by the "cooperating agencies" is a major contributing factor to the slow processing of inspections. A great many of the delays and the lack of uniformity in interpreting regulations would appear to stem from the lack of guidelines for the individual inspectors to utilize when applying a specific code requirement to a day care facility.





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SECTION II

DAY CARE REGULATIONS

PURPOSE OF REGULATIONS

The protection of children outside their home has been an American concern since Colonial times when the "poor laws" provided for the protection of dependent or neglected children through their apprenticeship or indenture. At the time of the Civil War, State Boards of Charity, the forerunners of our present day State Departments of Welfare, were established, and inspection of child care institutions was begun on a regular basis.

Toward the end of the 19th century, scandals involving the abuse of children in private child care institutions receiving subsidies from the government caused a public demand for state control over those agencies and resulted in the imposition of what were essentially licensing requirements.

The Social Security Act of 1935, with its provisions for Federal aid to states for child welfare services, made possible the building or expansion of state child care licensing staff all across the nation.

The concern of the states for the protection of the child in day care has grown tremendously as the need for day care has accelerated since World War II.

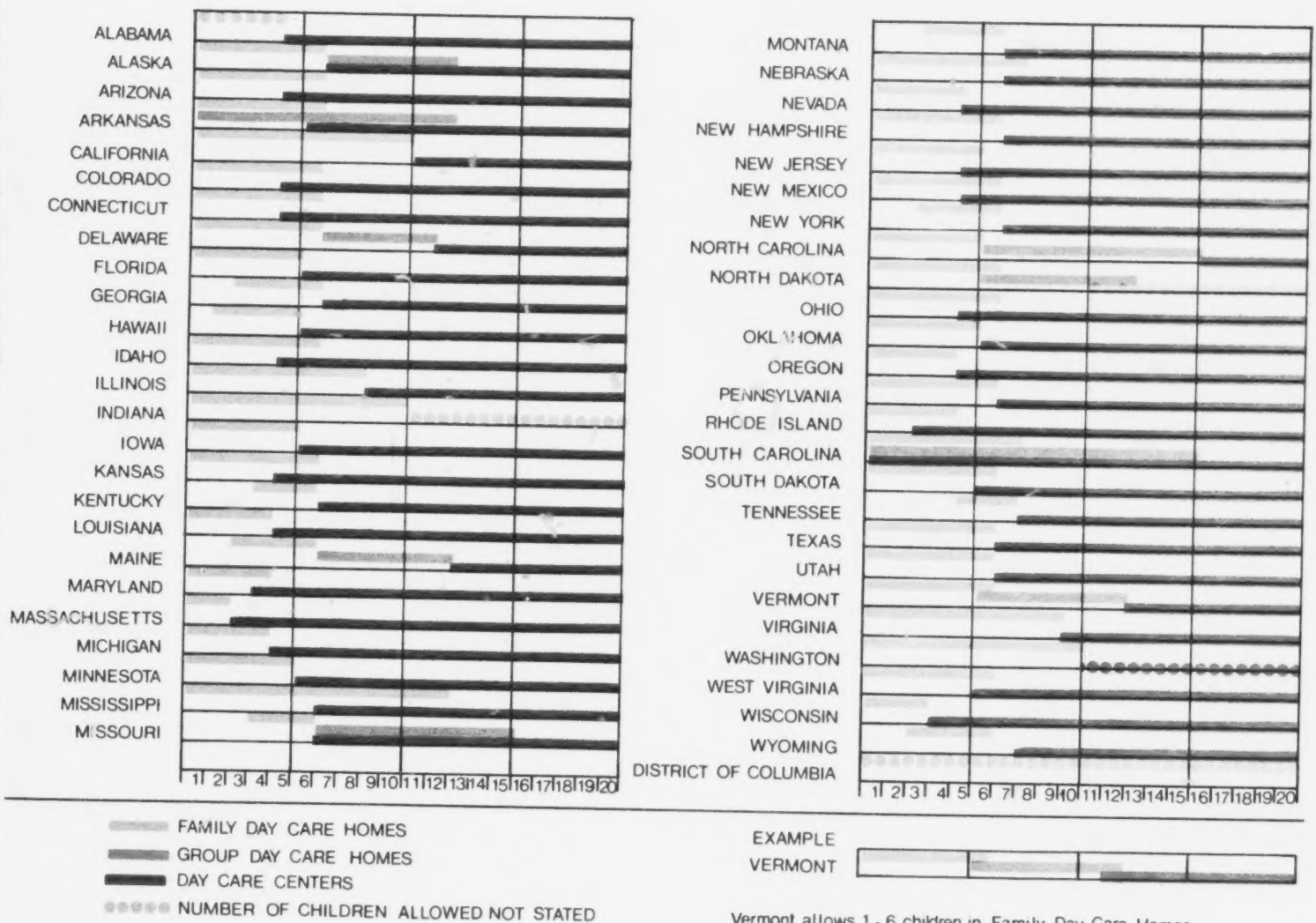
Present proposals for welfare reform will greatly increase the demand for day care facilities. These recent proposals plus pressures for expansion of day care to meet the needs of industry, franchise operators, and women's liberation, are all based on adult needs. The standards or requirements for care are the bulwark that protects the child's needs.

FACILITIES LICENSED

There are three major types of day care facilities licensed throughout the United States. The first type, the Family Day Care Home, has the fewest requirements and generally the fewest children per staff member. Family day care homes, including a very large number of unlicensed homes, presently provide the major portion of day care available in the United States. Traditionally, infant care outside the child's home has taken place almost exclusively in the family day care home on the premise that a home setting is the only desirable one for a child. However, this attitude now is changing, and infant care is becoming more frequently allowed in day care centers, at least by regulations if not in fact.

A second category, the Group Day Care Home, a category in nine states, is generally an extension of the family day care home and

FIGURE 5
NUMBER OF CHILDREN ALLOWED IN DAY CARE FACILITIES



allows doubling of the capacity through the addition of a second qualified adult in the home. Requirements in some states are similar to family day care homes. In others, however, they are similar to day care center requirements.

The third category, the Day Care Center, usually begins, in terms of the number of children allowed, where family day care leaves off. Day care center regulations do not normally specify a maximum number of children. Typically, requirements are much more stringent for centers than for homes, especially in the areas of staff qualification, food services, fire safety, and equipment and program requirements. Local building code and zoning requirements are also more stringent where larger groups of children are concentrated in a facility.

Between states, there is a considerable variation in the specifications of size for the three types of facilities. Figure 5 illustrates by state the number of children allowed in a family or group day care home and the minimum number allowed in a day care center. This figure includes the requirements of the nine states (Arizona, Louisiana, Massachusetts, Mississippi, New Jersey, North Carolina, Ohio, Oregon, and West Virginia) which do not have mandatory licensing provisions for family day care homes and the two states (Idaho and Mississippi) which do not have mandatory licensing provisions for day care centers. Additionally, the states of Nevada and Wisconsin have not initiated legislation providing for family day care home licensing.

Although states tend to follow the same general groupings, they often identify the groups by different titles. For example, what is considered a group day care home in Arkansas (7 to 12 children) is a special classification of family day care home in California (7 to 10 children) and a small day care center in Colorado (5 to 10 children).

The assignment of licensing workers with regard to the groupings of the three categories of facilities varies greatly from state to state. In one state visited during the six-state field survey, day care centers and group day care homes were licensed and monitored by the same licensing workers. This state required the group day care home to be certified by health and fire officials in the same manner required for day care centers. Another state treats the group day care home as an extension of the family day care home and places the licensing responsibility within the same agency. In this situation, however, no certification of the facilities was requested from health and fire officials. The licensing worker conducted an informal inspection which included health, sanitation, and fire safety.

A standardized method of classification of family day care homes, group day care homes, and day care centers is needed. At present, the three generally accepted classifications of day care facilities differ widely in definition from state to state, and meaningful comparisons between states are difficult to make.

STATE LICENSING REGULATIONS

The range and number of regulations in a state must be derived from the statute authorizing regulation of day care through licensing. A few states have day care licensing acts that spell out rules and regulations in more detail than is desirable from an administrative

point of view. Statutes which allow the development of regulations by the licensing agency through administrative procedures and the use of some non-legislative advisory body are more responsive to change and allow some flexibility in interpretation by the licensing worker.

On the basis of statements by the licensing agencies in the states visited in the follow-up survey, a major concern of licensing agencies is the lack of strong legal teeth they need to revoke the license of a "bad" day care facility and keep the facility closed. State day care legislation should give the state licensing agency adequate authority to deny or revoke licenses and to initiate action in the courts against those facilities which continue to operate after their licenses have been denied or revoked.

States usually publish their rules and regulations in booklet form. Most often, the requirements for family day care homes and day care centers are presented in separate booklets. This separation of home and center requirements seems to simplify review and makes it easier for the applicant to understand the requirements.

The history of their development explains some of the differences in regulations and standards between day care homes and day care centers. Day care centers, although philosophically separate from nursery and pre-school programs, utilized the techniques of the latter to create an atmosphere much like a school. While day care center program elements may be highly developed, most centers try to avoid a rigidly structured program.

In the suburbs and more affluent neighborhoods, nursery schools expanded into all-day programs to accommodate working mothers. A great many of these centers are in the suburbs of large metropolitan areas. With some form of welfare reform on the horizon, the demand for day care will be greatest in the central city areas, where the greatest number of layers of licensing requirements are found. Whereas day care centers have developed in the role of a pre-school, day care homes, on the other hand, have developed in the role of a baby sitter — foster home — surrogate mother. The day care home provides facilities near to where less affluent people live, work or catch the bus. The primary concern for licensing is to upgrade the quality of family day care for the benefit of the child's health and development.

In a number of states, particularly where large concentrations of population have multiplied problems in administration, the general requirements are difficult to separate from the special exceptions or requirements developed to meet special situations. The published regulations for day care licensing of the various states often present recommended standards along with requirements in an attempt to upgrade facilities beyond mandatory levels. While this is a commendable goal, the state day care licensing regulations should clearly differentiate between requirements (what must be done) and recommendations (what is desirable over and above the minimum).

EXCLUSIONS FROM DAY CARE LICENSING REGULATIONS

The general philosophy of state day care licensing agencies is to exclude from licensure:

1. Care provided to a child by a relative
2. Those facilities which are operated by another state or Federal agency, or

TABLE 1
EXCLUSIONS FROM FAMILY DAY CARE HOME AND GROUP DAY
CARE HOME REGULATIONS

	None specified	Children related to operator	Children related by blood or marriage to the operator	Children related by blood, marriage or adoption to the operator	Care provided for irregular or less than "X" hours	Miscellaneous
Alabama						
Alaska						
Arizona						
Arkansas						
California						
Colorado						
Connecticut						
Delaware						
Florida						
Georgia						
Hawaii						
Idaho						
Illinois						
Indiana						
Iowa						
Kansas						
Kentucky						
Louisiana						
Maine						
Maryland						
Massachusetts						
Michigan						
Minnesota						
Mississippi						
Missouri						
Montana						
Nebraska						
Nevada						
New Hampshire						
New Jersey						
New Mexico						
New York						
North Carolina						
North Dakota						
Ohio						
Oklahoma						
Oregon						
Pennsylvania						
Rhode Island						
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah						
Vermont						
Virginia						
Washington						
West Virginia						
Wisconsin						
Wyoming						
Dist. of Columbia						

TABLE 2
EXCLUSIONS FROM DAY CARE CENTER REGULATIONS

	Facilities operated or regulated by an agency of the Federal Govt. or on its property	Facilities operated or regulated by another state or local agency	Facilities operated by a public school system	Facilities operated by a private or parochial school	Facilities operating for 1/2 day or less	Summer or day camps	Facilities operated in connection with recreational or shopping centers (short term or drop in)	Facilities operated during church services	Facilities operating primarily an education program	Facilities caring for the exceptional	Family day care homes	Nursery
Alabama												
Alaska												
Arizona												
Arkansas												
California												
Colorado												
Connecticut												
Delaware												
Florida												
Georgia												
Hawaii												
Idaho												
Illinois												
Indiana												
Iowa												
Kansas												
Kentucky												
Louisiana												
Maine												
Maryland												
Massachusetts												
Michigan												
Minnesota												
Mississippi												
Missouri												
Montana												
Nebraska												
Nevada												
New Hampshire												
New Jersey												
New Mexico												
New York												
North Carolina												
North Dakota												
Ohio												
Oklahoma												
Oregon												
Pennsylvania												
Rhode Island												
South Carolina												
South Dakota												
Tennessee												
Texas												
Utah												
Vermont												
Virginia												
Washington												
West Virginia												
Wisconsin												
Wyoming												
Dist. of Columbia												

TABLE 2

S FROM DAY CARE CENTER REGULATIONS

	Facilities operated or regulated by an agency of the Federal Govt. or on its property	Facilities operated or regulated by another state or local agency	Facilities operated by a public school system	Facilities operated by a private or parochial school	Summer or day camps	Facilities operated in connection with recreational or shopping centers (short term or drop in)	Facilities operated during church services	Facilities operating primarily a religious organization	Facilities caring for the exceptional child or offering specialized training	Family day care homes	Kindergartens or nursery schools
Alabama											
Alaska	•					•					
Arizona											
Arkansas											
California		•	•	•	•	•	•				
Colorado		•	•	•							
Connecticut		•	•	•							
Delaware	•	•	•								
Florida	•	•									
Georgia					•						
Hawaii					•						
Idaho					•						
Illinois	•	•	•	•	•						
Indiana											
Iowa					•						
Kansas		•	•	•	•						
Kentucky					•						
Louisiana					•						
Maine											
Maryland											
Massachusetts	•	•	•	•							
Michigan											
Minnesota											
Mississippi											
Missouri		•	•	•	•						
Montana											
Nebraska	•										
Nevada		•									
New Hampshire											
New Jersey		•	•	•							
New Mexico	•	•	•	•							
New York											
North Carolina											
North Dakota	•	•									
Ohio											
Oklahoma											
Oregon	•	•									
Pennsylvania											
Rhode Island											
South Carolina											
South Dakota											
Tennessee											
Texas		•	•	•							
Utah											
Virginia											
Washington											
West Virginia											
Wisconsin											
Wyoming											
Zambia											

3. Those facilities which provide day care on a short term or drop-in basis, i.e., care provided for children whose parents are nearby.

A detailed listing of exclusions is included as Appendix C to this report.

EXCLUSIONS FROM FAMILY DAY CARE HOME AND GROUP DAY CARE HOME REGULATIONS

Table 1 indicates that family and group day care home regulations in fifty-two percent of the states exclude care by any relative. Approximately twenty-five percent of the states have no exceptions annotated in their regulations and the remaining twenty-three percent of the states have a wide variety of exclusions mentioned.

EXCLUSIONS FROM DAY CARE CENTER REGULATIONS

Table 2 presents the types of facilities excluded from licensure by day care center regulations. More than one half of the day care center regulations have excluded programs which are operated by the public schools. This single exception embraces many day care and pre-school programs. In the State of California, for example, day care programs, both half and full day, which are operated and regulated under the auspices of the public schools provide care for over 42,000 children throughout the state. This is in addition to and separate from those licensed by the Department of Social Welfare.

In the State of Michigan, the Department of Education funds programs including infant care, pre-school, and full-day care. These programs are licensed under a set of regulations of the Board of Education which are parallel to, but different from, the regulations of the Department of Social Services. The Department of Education regulations are less stringent, and day care for children aged two is allowed. During the six state field survey, day care centers in the

State of Michigan were visited which had licenses from both the Department of Education and the Department of Social Services. Such day care centers wishing to call themselves "Nursery Schools" must meet the requirements and be evaluated by licensing workers from both agencies.

Other exclusions from day care regulations, such as "facilities operated on Federal property", generate jurisdictional problems with regard to facility eligibility to receive Title IV A or other Federal funding. While funding generally is channelled through a state agency, the state has no jurisdiction in the Federal facility. While they do not fit the usual definition of Federal lands, Indian reservations, which are not under the jurisdiction of the state, are a case in point.

The types of day care now excluded in state day care statutes and regulations range from care provided to a child by a relative to facilities operated by governmental agencies. In some instances, these exclusions generate separate sets of licensing requirements and dual licensing agencies within a state who are licensing parallel child care programs.

TERMS OF DAY CARE LICENSES

Most of the states in which licensing is mandatory, license only for a period of one year. At the end of that time, the license must be renewed and the licensing procedure from one year before must be substantially repeated. The table below indicates the length of time a license is valid for both centers and homes.

In order to eliminate a considerable amount of paper-work, consideration should be given to extending the period of license for all day care facilities to two years, assuming some systematic monitoring system on at least an annual basis is accomplished by the appropriate inspecting agencies.

TABLE 3
TERM LICENSE IS VALID (50 STATES RESPONDING)

TERM	CENTER		HOME	
	number of states	percent of states	number of states**	percent of states***
1 year	44	88	37	93
2 years	4	8	2	5
3 years	1	2		
indefinite	1	2	1	2
	<u>50</u>	<u>100%</u>	<u>40</u>	<u>100%</u>

* Texas makes annual revalidation checks, but license does not expire; it must be revoked.

** Excludes 10 states that do not license family day care homes.

*** Based on 40 states that do license family day care homes.

REASONS FOR LICENSE DENIALS

The state licensing authorities were asked to list the discrepancies most frequently responsible for denial of licenses on initial applications during the last three years. Mentioned most frequently as the reason for denial was the applicant's lack of qualified staff. The responses of the state licensing authorities on the question regarding denial should be considered a distinctly separate response from those regarding points of delay. A great many states adopt a policy of actively discouraging applicants whom they believe to be unqualified for child care. It is therefore infrequent that an applicant will continue the licensing process in the face of continuing discouragement by the licensing authority; nevertheless, many of the same items constituting denial are the same items which appear later relative to points of delay. For example, failure to comply with fire codes was the second most frequently mentioned reason for denial; uncorrectable building violations was third. A brief list is presented on Table 4 summarizing only those items which were mentioned by ten or more licensing authorities. Multiple responses were, of course, allowed.

ABSTRACTS OF STATE LICENSING REGULATIONS

In order to properly compare the requirements of the various states, an abstract of the state day care licensing regulations for both day care homes and day care centers was compiled by a detailed search through the regulations obtained from the states. These abstracts are presented separately in two compendium volumes.

Several tables have been prepared to present summaries of provisions and to help analyze the differences between the states and within states for family day care homes and day care centers. Most of these are included in Appendices at the back of the report (see Table of Contents for listing).

PHYSICAL SPACE REQUIREMENTS

Table 5 compares several physical space requirements from the day care licensing regulations of the fifty states.

The most readily apparent difference between day care centers and day care homes is that standards for centers are much more specific. In many cases for homes, and some for centers a particular figure may not be specified, but some wording such as "adequate" or "sufficient" is substituted. This allows greater flexibility in licensing specific situations.

The usual standard for indoor play area, 35 square feet per child, is found in 82 percent of the day care center regulations. Eighteen percent of the states require a lesser amount.

Variation is more pronounced in the requirement for outdoor play space per child in centers. This varies from "no mention" and "adequate" through 40 square feet per child in Florida and Utah to 200 square feet per child in Wyoming. The mode is 75 square feet per child. Nearly 90 percent of the states require fencing for centers. Most states do specify for homes and centers that the outdoor play area must be enclosed if the area is dangerous.

The ratio of toilets and washbasins to children similarly has great divergence among states. Ratios are specified for day care centers in nearly all the states, and range from one toilet per eight children in Tennessee, South Dakota and South Carolina to one toilet for every twenty children in Kentucky, Maine, Ohio and Vermont.

Where a requirement is very low or very high when compared to

TABLE 4
LIST OF DISCREPANCIES MOST FREQUENTLY RESPONSIBLE FOR DENIAL OF LICENSE
ON INITIAL APPLICATION DURING THE LAST THREE YEARS

DISCREPANCY	TIMES MENTIONED
Lack of qualified staff	33
Failure to comply with fire code	20
Uncorrectable building violations	18
Inadequate space	12
Insufficient funds to operate program	12
Failure to comply with sanitation regulations	11
Inadequate child/staff ratio	10
Nonconformity with local zoning codes	10
Ten states responded that they had not denied licenses during the last 3 years. (Generally this means they sufficiently discouraged the applicant so that he dropped.)	

TABLE 5
ABSTRACT OF STATE DAY CARE LICENSING REGULATIONS:
FAMILY DAY CARE HOMES (INCLUDING GROUP DAY CARE HOMES) AND DAY CARE CENTERS
SELECTED SPACE AND EQUIPMENT REQUIREMENTS

	USABLE INDOOR SPACE-SQ. FT. PER CHILD		OUTDOOR PLAY SPACE-SQ. FT. PER CHILD		FENCED OUTDOOR PLAY AREA		TOILET- WASHBASIN PER CHILD
	Homes	Centers	Homes	Centers	Homes	Centers	
Alabama		35		60		●	1:10
Alaska		30	75	75	●	●	
Arizona *		35		75	●	●	1:10
Arkansas	35	35		75	●	●	1:12 variable
California		35		75		●	1:14 variable
Colorado	35	30	75	75	●	●	1:15
Connecticut		30		75		●	1:15 under age 8 1:25 age 8+
Delaware	(40)	35	(50)		(●)		
Florida	25	25	40	40	●	●	1:15 variable
Georgia	35	35	100	100	●	●	1:12 variable
Hawaii	35	35		75	●	●	1:15
Idaho **	35	35	75	75		●	1:10 toilet 1:07 basin
			Under age 6 100	100			
			age 6+				
Illinois		35		75			1:10 variable
Indiana	35	35	50	50	●	●	1:10
Iowa	35		75			●	
Kansas		35		100	●	●	1:12
Kentucky	35	35			●	●	1:20
Louisiana *		35		75		●	
Maine	50 (20)	20		75	(●)	●	1:20
Maryland		30				●	1:10
Massachusetts *	50	35		75		●	1:14
Michigan	40	35		75	●	●	1:15
Minnesota		35		75	●		1:15
Mississippi * **		30		65		●	1:20
Missouri	35	35		75		●	1:10

* No mandatory licensing for family day care homes

** No mandatory licensing for day care centers

• No licensing law for day care homes

() Group day care home requirement only

	USABLE INDOOR SPACE-SQ. FT. PER CHILD		OUTDOOR PLAY SPACE-SQ. FT. PER CHILD		FENCED OUTDOOR PLAY AREA		TOILET- WASHBASIN PER CHILD
	Homes	Centers	Homes	Centers	Homes	Centers	Centers
Montana	35	35	100	100	•	•	
Nebraska	35	35	72	72	•	•	1:10
Nevada *		35		75		•	1:10
New Hampshire		35		75		•	1:15
New Jersey *	50	35	200	100	•	•	1:15
New Mexico	60	35		60	•	•	1:10
New York		35					1:15
North Carolina *	35-50	35-50	100-150	100-150			1:10
North Dakota	35	35	75	75		•	1:10 variable
Ohio *	35	35		60		•	1:15 toilets
							1:20 basins
Oklahoma		35		75		•	1:10
Oregon *		35			•	•	1:10
Pennsylvania		35		65	•	•	1:10 under age 6
							1:12 age 6+
Rhode Island		35		75	•	•	1:10 minimum of 2
South Carolina	35	35	75	75	•	•	1:08
South Dakota		35		50	•	•	1:08-10
Tennessee		30		50	•	•	1:10 variable
Texas	50	35		80	•	•	1:10 variable
Utah		35		40		•	1:10 variable
Vermont	25	25	75	75	•	•	1:20
Virginia		20					1:15
Washington		35		75	•	•	1:08 minimum of 2
West Virginia *		35		100		•	1:10
Wisconsin *		35		75		•	1:10 variable
Wyoming	35	35	200	200	•	•	1:07 variable
District of Columbia		35		60	•		1:10

other states, the requirement should be reexamined to determine whether change is needed.

Table 6 further illustrates the diversity among states in the specificity of the published regulations for family day care homes (including group homes) and day care centers. This table indicates whether a state's regulation includes a number of requirements common to day care centers in at least 50 percent of the states. Nearly all these selected program and child health requirements are specified for centers at least twice as often as they are specified for day care homes. The notable exception is the requirement for physical examination of the child for admission to a day care facility. This is specifically mentioned in the regulations by 68 percent of the states for homes and 89 percent of the states for centers.

TYPICAL DAY CARE STATE LICENSING AGENCY PROCESS

Each of the 50 states were asked to detail the various tasks in the licensing process which the applicant must complete in order to obtain a day care license. There was very little similarity from one state to the next. Additionally, in each of the six states visited in the follow-up survey, the steps were reviewed with the licensing agency to substantiate the process in that state. There were variations within the states reflecting (a) the process difference between a day care center license application and a family day care home license application, (b) the administrative philosophies of the various state departments, and (c) the amount of assistance licensing workers provided the applicant in completing the required local tasks. For example, several agencies indicated that they were not prone to grant a license until they had actually seen the center or home operating. Consequently, it was required that the applicant undertake the expense of renovation to meet requirements without the certainty that he would ultimately obtain a license. Another example is that, while most licensing processes (other than day care) begin with the applicant contacting the agency for information, it is evident that in many states the process is begun when a center or home which is operating without a license is brought to the attention of the licensing authority who then makes the initial contact with the operator.

Approximately 15 to 20 major work tasks are required of an applicant in the licensing process, assuming that all regulations are met on the initial attempt and that second and third inspections are not necessary. When the tasks of government officials are included, the total number of tasks in a typical licensing process approximates 50 to 75. If the process does not go perfectly, in excess of 100 tasks need to be performed by the applicant and a variety of agencies at different levels of government.

In view of the diversity of state licensing processes and the differences between family day care home and day care center procedural steps, separate typical licensing processes have been developed for both categories of facilities. The majority of the nine states which license group day care homes use the same or similar procedures as used for family day care homes. The typical procedural steps described for the licensure of family day care homes will also apply to group day care homes.

These typical licensing processes described in the text below should be viewed as the opinion of the consultant based upon a detailed

TABLE 6
ABSTRACT OF STATE DAY CARE LICENSING REGULATIONS SELECTED PROGRAM, CHILD HEALTH AND EQUIPMENT REQUIREMENTS

A ● indicates the requirement is specified in the State Day Care Regulations for:

	Structured Program	Alternate Active-Quiet	Outdoor Play Daily	Minimum Rest Period	No Frightening Punishment	Physician Exam of Child for Admission	Daily Health Check of Child	Isolation Area for Sick Child	Immunization Required	Lunch 1/3 Daily Food Requirements	Two Snacks	Educational Equipment	Outdoor Play Equipment
Alabama	H	C	H	C	H	C	H	C	H	C	C	C	C
Alaska	●	●	●	●	●	●	●	●	●	●	●	●	●
Arizona	●	●	●	●	●	●	●	●	●	●	●	●	●
Arkansas	●	●	●	●	●	●	●	●	●	●	●	●	●
California	●	●	●	●	●	●	●	●	●	●	●	●	●
Colorado	●	●	●	●	●	●	●	●	●	●	●	●	●
Connecticut	○	●	●	●	●	●	●	●	●	●	●	●	●
Delaware	●	●	●	●	●	●	●	●	●	●	●	●	●
Florida	●	●	●	●	●	●	●	●	●	●	●	●	●
Georgia	●	●	●	●	●	●	●	●	●	●	●	●	●
Hawaii	●	●	●	●	●	●	●	●	●	●	●	●	●
Idaho	●	●	●	●	●	●	●	●	●	●	●	●	●
Illinois	●	●	●	●	●	●	●	●	●	●	●	●	●
Indiana	●	●	●	●	●	●	●	●	●	●	●	●	●
Iowa	●	●	●	●	●	●	●	●	●	●	●	●	●
Kansas	●	●	●	●	●	●	●	●	●	●	●	●	●
Kentucky	●	●	●	●	●	●	●	●	●	●	●	●	●
Louisiana	●	●	●	●	●	●	●	●	●	●	●	●	●
Maine	●	●	○	●	●	●	●	●	●	●	●	●	●
Maryland	●	●	●	●	●	●	●	●	●	●	●	●	●
Massachusetts	●	●	●	●	●	●	●	●	●	●	●	●	●
Michigan	●	●	●	●	●	●	●	●	●	●	●	●	●
Minnesota	●	●	●	●	●	●	●	●	●	●	●	●	●
Mississippi	●	●	●	●	●	●	●	●	●	●	●	●	●
Missouri	●	●	●	●	●	●	●	●	●	●	●	●	●
Montana	●	●	●	●	●	●	●	●	●	●	●	●	●
Nebraska	●	●	●	●	●	●	●	●	●	●	●	●	●
Nevada	●	●	●	●	●	●	●	●	●	●	●	●	●
New Hampshire	●	●	●	●	●	●	●	●	●	●	●	●	●
New Jersey	●	●	●	●	●	●	●	●	●	●	●	●	●
New Mexico	●	●	●	●	●	●	●	●	●	●	●	●	●
New York	●	●	●	●	●	●	●	●	●	●	●	●	●
North Carolina	○	●	●	○	●	○	●	○	○	○	●	●	●
North Dakota	●	●	●	●	●	●	●	●	●	●	●	●	●
Ohio	●	●	●	●	●	●	●	●	●	●	●	●	●
Oklahoma	●	●	●	●	●	●	●	●	●	●	●	●	●
Oregon	●	●	●	●	●	●	●	●	●	●	●	●	●
Pennsylvania	●	●	●	●	●	●	●	●	●	●	●	●	●
Phode Island	●	●	●	●	●	●	●	●	●	●	●	●	●
South Carolina	●	●	●	●	●	●	●	●	●	●	●	●	●
South Dakota	●	●	●	●	●	●	●	●	●	●	●	●	●
Tennessee	●	●	●	●	●	●	●	●	●	●	●	●	●
Texas	●	●	●	●	●	●	●	●	●	●	●	●	●
Utah	●	●	●	●	●	●	●	●	●	●	●	●	●
Vermont	●	●	●	●	●	●	●	●	●	●	●	●	●
Virginia	●	●	●	●	●	●	●	●	●	●	●	●	●
Washington	●	●	●	●	●	●	●	●	●	●	●	●	●
West Virginia	●	●	●	●	●	●	●	●	●	●	●	●	●
Wisconsin	●	●	●	●	●	●	●	●	●	●	●	●	●
Wyoming	●	●	●	●	●	●	●	●	●	●	●	●	●
Dist. of Columbia	●	●	●	●	●	●	●	●	●	●	●	●	●

No mandatory licensing for Family day care homes
 No mandatory licensing for day care centers
 No licensing law for homes
 ○ Group day care home requirements

H Family Day Care Homes or Group Day Care Homes
 C Day Care Centers
 For North Carolina only licensing for group day care homes is mandatory

STATE DAY CARE LICENSING REGULATIONS TABLE 5
SELECTED PROGRAM, CHILD HEALTH AND EQUIPMENT REQUIREMENTS[illegible]

H Family Day Care Homes or Group Day Care Homes
C Day Care Centers
For North Carolina only licensing for group day care homes
is mandatory

and intensive study of the licensing process in the six state field survey and the 50 state questionnaire inputs. It should be kept in mind by the reader that the order in which the steps are given varies state by state. A more important consideration in reviewing the process, however, is that the list is limited to applicant steps that must be undertaken to obtain a state day care license. Consequently, many of the steps conducted by state and local agencies (which often create delays) are not listed, nor are certain locally required clearances, such as obtaining a municipal business license. The local requirements are discussed later in this report.

SEQUENTIAL FLOW OF LICENSING PROCEDURES — FAMILY DAY CARE HOMES

1. The applicant contacts the licensing agency either in person or by telephone. The area licensing worker is assigned to investigate the request and makes an appointment to visit the home. At the same time, the licensing worker provides review materials which usually consist of an application form, a copy of standards and requirements, and resource materials.
2. The licensing worker visits the home for consultation and screening. The licensing worker normally questions the applicant's motives for wanting a family day care home.
3. The applicant is instructed to check with local zoning for a permit. Often an applicant will need to obtain a "special" or "conditional use" permit for zoning, which will usually require a public hearing.
4. The applicant submits floor and building plans to the licensing worker and the local building.
5. If required, the applicant obtains a building inspection in order to meet local building, electrical, and plumbing requirements.
6. Where required, the licensing worker requests a fire safety inspection from the local fire department.
7. Where required, the licensing worker requests a health and sanitation inspection from the local health authorities. The applicant must obtain a water supply approval for a private system.
8. The applicant submits a list of three character references. The agency requests the persons named as references to complete and return the reference forms.
9. The applicant submits physical examination certificates from an M.D. for all staff or members of the household, including TB X-ray reports.
10. The applicant submits formal application to the state licensing agency and pays a fee, if applicable. The application form includes or requires submittal of the following information:
 - a. Staff qualification and job descriptions, age, education, and training.
 - b. Names of all household members.

- c. Program plans and daily schedules.
- d. Verification of financial stability.
- e. A description of the facility and equipment.
- f. Proof that local requirements have been met.

11. The licensing worker makes a visit to evaluate the home and lists any discrepancies and remarks in his report, which is sent to the state licensing agency headquarters.
12. The applicant makes any necessary corrections and changes to meet any final requirements.
13. After all forms and reports have been submitted to the state licensing agency headquarters and they meet the department's regulations and requirements, the department issues a license to the applicant.
14. A provisional license will be issued when discrepancies exist, with a full license issued only when all discrepancies are corrected.

NOTE: The licensing flow may end here if a full license is issued. However, if the license is provisional, the home is further observed, and consultations are given generally for not longer than six months, during which period a full license may be issued after requirements have been met and the licensing agency is satisfied with the facility's operation.

SEQUENTIAL FLOW FOR RENEWAL OF DAY CARE HOME LICENSE

1. The licensing agency notifies the facility its license will expire within a short period, and encloses a renewal application.
2. The operator fills out the application and sends it back with a renewal fee if required.
3. The licensing worker visits and evaluates the facility, and requests an inspection by either the health or fire departments if necessary.
4. After all materials required by the licensing agency, including any fire or health clearances, have been received and approved, the applicant is issued a new license.

The preceding steps in the licensing process exclude the many clerical steps and professional judgments made by the state licensing agency in the processing of an application. These in-office steps, which in some instances constitute points of delay, are discussed separately in the text.

SEQUENTIAL FLOW OF LICENSING PROCEDURES — DAY CARE CENTERS

1. The applicant contacts the state licensing agency by phone or by letter for information concerning a license to operate a day care center.
2. The applicant is placed in contact with an area licensing worker. The licensing worker determines if the applicant is experienced in day care by discussing the applicant's potential program and preliminary plans for the facility during the initial conversation.
3. Review materials are sent to the applicant from the licensing agency. These usually consist of an application form and a copy of standards and requirements.
4. The applicant contacts the licensing worker and an appointment is made to visit the site of the proposed day care center.
5. The licensing worker makes an evaluation of the facility and:
 - a. Suggests that the applicant contact the local zoning and building departments. Often the applicant will need to obtain a "special" or "conditional use" permit for zoning which usually will require a public hearing. The requirements of the building department will vary, depending on whether a facility is new or remodeled.
 - b. The licensing worker discusses available funds as well as the applicant's motives for opening a center.
 - c. The licensing worker discusses state day care licensing regulations.
6. The applicant submits floor and building plans for a new or remodeled facility to the licensing agency as well as to health, fire, zoning, and building departments for approval.
7. The applicant obtains a building permit for a new or remodeled center.
8. The applicant obtains clearances after the local and/or state building, health, and fire department inspections are accomplished. The requests for inspections are made by the licensing agency and/or the applicant, depending on the licensing agency's procedures.
9. During the time of planning and construction, there are frequent consultations between the licensing worker and the applicant.
10. The licensing worker visits the completed facility to ascertain readiness and check equipment.
11. The application and accompanying material is submitted to the state licensing agency by the applicant. For a new center, materials filed with initial application are:
 - a. A statement detailing the ownership and organization of the center, together with other information showing who is responsible for policy-making, administration, and operation.
 - b. A copy of the articles of incorporation if the center is incorporated.
 - c. A copy of the constitution and by-laws, if any.
 - d. A list of board members and committees, if any.
 - e. A list of qualifications of the staff. (A form is provided by the department of welfare.)
 - f. Physical examination certificates from an M. D. for all staff members, including TB X-ray reports.
 - g. References of the director or operator.
 - h. Samples of all forms used by the center.
 - i. Verification of financial stability.
 - j. Insurance (fire, liability, transportation).
 - k. Proposed budget.
 - l. A draft of policies and procedures.
 - m. Program plans and daily schedules.
 - n. A description of the facilities and equipment.
 - o. A typical weekly menu.
 - p. Proof that local requirements have been met.
12. The licensing worker visits the center for final inspection and prepares recommendations which are sent to the licensing agency headquarters.
13. The licensing agency reviews recommendations and supporting documents. If approved, a license is issued to the applicant.
14. The applicant makes any necessary corrections and changes to meet final requirements of the state licensing agency.
15. Verification of the new license is sent to the center, the licensing worker, the local fire department and local health department.
16. Control cards are made to cross-reference the facility with all interested departments.

NOTE: The licensing flow may end here if a full license is issued. A provisional license will be issued when discrepancies exist, with a full license issued only when all discrepancies are corrected. If the license is provisional, the center is further observed and consultations are given generally for not longer than six months, during which period a full license may be issued after requirements have been met and the licensing agency is satisfied with the facility.

SEQUENTIAL FLOW FOR RENEWAL OF DAY CARE CENTER LICENSE

1. The licensing agency notifies the facility its license will expire within a short period, and encloses a renewal application.
2. The operator fills out the application and sends it back with a renewal fee, if required.
3. The licensing agency notifies the fire and health departments, requesting inspection of the facility for a renewal license.
4. The licensing worker visits and evaluates the facility.
5. After all materials required by the licensing agency, including fire or health clearances, have been approved, the applicant is issued a new license.

NOTE: If the number of children utilizing a facility increases beyond the licensed capacity, application for a new license is required. The licensing worker visits the facility to see that regulations related to the changes are complied with in order for a new license to be issued.

The preceding steps in the licensing process exclude the many clerical steps and procedures utilized by the state licensing agency in the processing of an application. These in-office steps, which in some instances constitute points of delay, are discussed in another portion of the text.

PROBLEMS IN ADMINISTRATION OF REGULATIONS

This section of the report covers the various factors which either delay the applicant in obtaining a day care license or discourage him to the point of withdrawing from the licensing process. As indicated earlier, a significant number of problems in the licensing process stem from administrative procedures — particularly the coordination with other state departments and the involvement of city and county officials. The city and county officials frequently completed the inspections for the state day care license and often imposed licensing requirements peculiar to local government which were more stringent than the state's. Consequently, this section discusses two major problem areas: (1) state-local administrative delays and (2) applicant inability to meet requirements.

STATE-LOCAL ADMINISTRATIVE PROCEDURES

In most instances, the licensing authority coordinates with at least two other state agencies as well as directly with the local authorities in ten to fifty municipalities and in anywhere from 20 to 80 counties. To further complicate the matter, the two other state agencies (usually the Office of the State Fire Marshal and the State Department of Health) often act primarily as coordinators and request that actual inspections be accomplished by city and county sanitarians, health officers and fire marshals. There is, consequently, a critical need for close control and systemized administrative policy. In many cases, it would appear that both are lacking.

In view of the critical nature of coordination, all fifty states were asked, "What problems are encountered with respect to coordination with other inspecting departments?" It should be kept in mind in reviewing the responses to that question that the data reflect co-

TABLE 7
COORDINATION PROBLEMS WITH OTHER INSPECTING AGENCIES

AGENCY	TIMES MENTIONED AS SOURCE OF PROBLEM
State Fire	23
Local Fire	16
State Health	
Local Health	
State Welfare	4
Local Welfare	1
State Building	3
Local Building	3
State Justice	1
State Tax Department	1
Local Zoning	3

ordination with other inspecting departments, hence the findings may be more a reflection of the distribution of work by the various state agencies than an actual pinpointing of coordination problems. For example, since the Department of Welfare is the licensing authority in all but eight states, it is only infrequently listed as the "other" department which is the source of the problem. However, given that the Department of Welfare or its equivalent is the licensing authority in forty-two states, the responses to the questions can be considered indicative of the coordination problems which presently exist. Table 7 summarizes the response in terms of the number of times that each department — both state and local — are mentioned as the source of the problem.

In view of the critical nature of coordination, the detailed responses from the state licensing authorities are presented in Appendix E of this report.

To ensure cooperation and coordination of the day care licensing functions of the state licensing agency and "other" state and local agencies involved in evaluating day care facilities, the state statute authorizing day care licensing should provide for the establishment of either a permanent or ad hoc committee to review and coordinate day care licensing regulations and procedures. The committee should include representation from all the state agencies which assist the licensing authority and should be required periodically to update and improve the regulations and licensing process.

Annual coordinative meetings between the state licensing agency and assisting state agencies should be required in all instances, including those states where licensing agency staff are assigned to accomplish liaison between the licensing agency and state and local inspecting agencies.

In probing for problems in the licensing process which could impede rapid expansion of day care facilities, the consultants asked licensing authorities in each of the fifty states what the ten most critical problem areas or points of delay were in the licensing process. They were also asked to give the approximate number of days delay which were

created by the problem areas mentioned. Their answers were processed and classified into general groups. The major classification of "Delays by Licensing Officials" was further classified into subgroups such as "Fire Inspection", "Health and Sanitation Inspection", "Architectural Review", etc. In each case the reasons for delay were taken directly from the responses of the licensing authorities and no editorializing was undertaken by the consultant. The detailed responses to the question are presented in full in Appendix D at the back of this report.

A review of the many responses by licensing authorities on the question regarding points of delay again reveals that a major area of delay involves the coordination of the several governmental units involved in the licensing process. Particularly, there does not seem to be a clear understanding between the various state and local agencies as to exactly how the standards should be interpreted. Further delays are created by local government officials not expediting the inspections.

The average days delay for sub groups in the classification "Delays by Licensing Officials" submitted by state licensing agencies are compared to the average days delay for each category which was developed from responses by local officials and state licensing agency records. These averages, by category, are shown on the following table:

Other responses from state licensing authorities regarding "frequent problem areas or points of delay" indicated that a substantial amount of delay was caused by the applicant's lack of financial resources, particularly for capital costs required to meet fire and health standards. Other reasons given were "lack of trained and educated personnel", "lack of health records for staff", and "unable to verify or contact references".

Many delays are caused simply because applicants don't know what is required of them by local fire, health and zoning officials. For each type of day care facility, sets of materials should be prepared for potential day care applicants containing state regulations, a copy of

TABLE 8
COMPARISON OF AVERAGE DAYS' DELAY

DELAY FOR:	LICENSING AGENCIES DAYS DELAY INDICATED BY:	LOCAL OFFICIALS AND LICENSING AGENCY RECORDS:
Fire inspection:	65	38
Sanitation inspection:	35	23
Health inspection:	35	
Zoning:	50	40
General processing, technical reviews, case worker reports, etc.:	65	40

all forms used by inspectors, and a list of steps the applicant needs to follow to complete the licensing process.

The six state survey revealed that only fifty percent of the licensing workers (fifteen out of 30) interviewed attempted to assist the applicant in meeting local requirements. Many of the remaining licensing workers advocated the need for this assistance, but either because of the lack of time or knowledge of localized requirements did not attempt to become involved during the licensing process.

Many problems are the result of unreasonable licensing standards which are rigidly enforced by inspectors who consider it their duty to protect and enhance the welfare of children. Delays often occur when the applicant disagrees with the inspector or questions whether the protective or welfare enhancing standard is necessary or indeed has the inspector's desired effect. The licensing worker then must serve as adjudicator and arbitrator. In carrying out their duties, it would appear that licensing workers also spend a great deal of time discouraging undesirable applicants and monitoring marginal operators. Their tasks are further complicated by budget constraints and shortages of qualified staff.

It is not unusual for the licensing authority in a state, during the course of a year, to be involved in the processing of over 100 applications as well as monitoring and relicensing several hundred presently operating facilities.

Licensing agencies in all six states visited indicated that they did not have sufficient staffing to keep pace with the licensure of new facilities which is increasing in volume yearly. In each of the six states, budget constraints preclude them from increasing their licensing staff with qualified people who are available. Almost all state licensing personnel interviewed stated that the individual licensing worker's caseload is approximately twenty-five percent over the level which he can efficiently administer.

The overloaded licensing worker is faced with making a decision between two areas of concentration — a) should he be concerned with time consuming program quality control? or b) should he be concerned with ensuring that a facility meets the required record keeping levels, structural, sanitation, and safety requirements?

In light of the licensing worker's caseload, most licensing workers decide to choose the latter since it is less time-consuming and allows more frequent observation of his assigned facilities. The worker feels that he can cover his caseload more effectively in the states which have developed facility evaluation checklists to eliminate time-consuming narrative reports, formerly required. State licensing agencies visited that had developed these checklists, which include all key requirements outlined in the state regulations, felt these had assisted the licensing worker in speeding through the "nuts and bolts" aspect of licensing and allowed him to become more deeply involved in programmatic concerns.

A further cause of licensing delay is that the licensing worker does not have a great deal of time to supervise the clerical staff to ensure timely completion of administrative tasks. A complicating factor is the lack of administrative procedures or checklists which could guide the clerical worker with a minimum amount of direct supervision.

One state regional office was very well organized and efficient, although they lacked published procedures for the clerical staff to use as guides when accomplishing their work tasks. This apparent efficiency was accomplished by establishing an administrative section

supervisor who had responsibility for all file maintenance, report dates, license issuance, facility inspection requests, renewal notifications, etc. This situation relieved the individual licensing worker of these time-consuming duties. Attitudes of the licensing workers in this office were much more positive towards their responsibilities than those workers elsewhere who did not work within this type of inter-office structure. They were burdened with ensuring that the paper-work was being accomplished in a timely manner, which greatly restricted the licensing fieldwork.

Licensing specialist positions should be created within the licensing agency to provide agency expertise in the health and sanitation and fire safety and building codes aspects of day care licensing. This could be accomplished in different ways.

In one approach, a licensing specialist trained in child development would recommend program consultation where needed, but his primary job would be to license the physical facilities to house a day care program meeting minimum state standards. He would be familiar with all local code requirements that must be met by a day care facility in order to obtain a license. He would be trained to help applicants through the maze of local building, zoning, business licenses, etc., requirements, arrange for team inspections to eliminate conflicting recommendations by inspectors, and otherwise speed up the licensing procedure. The licensing specialist could also reinspect for facility correction of minor deficiencies noted in facility inspections by other agencies, alleviating the need for reinspection by local inspectors.

Another approach would be to establish specific higher level fire and safety and health and sanitation liaison positions within the state licensing agency. These specialists would coordinate the physical facility inspection aspects of licensing for all day care facilities licensed by the state.

In both approaches, interagency agreements should be drawn up providing for reimbursement by the licensing agency for day care facility inspection costs.

HEALTH AND SANITATION REGULATIONS

Health and sanitation standards contained in the Day Care regulations of each of the fifty state licensing agencies are fairly uniform for each category of facility — family day care homes, group day care homes, and day care centers. Within each state, the minimum requirements for day care centers are much more detailed than those for day care homes.

The differences in the application of these standards for health and sanitation, as outlined in another portion of the text, for day care centers as compared to day care homes is in the same relationship to the detail contained in the standards, i.e., the local or state health department utilizes a trained sanitarian when inspecting a day care center and a welfare department licensing worker conducts an informal inspection of a day care home.

Additionally, state and local health departments have their own requirements which add another layer of requirements for the applicant of a day care facility. These additional regulations usually include state and local restaurant laws. All six states visited have

restaurant standards applied to day care centers. The application of these standards by inspecting officials varies from rigid to flexible interpretation and application. These restaurant regulations are designed for high volume public food service establishments, not small day care facilities. In most communities, food handlers' permits are required for all facility staff members who come into contact with served food. Communities which have this requirement usually require successful completion of a food handlers' course given by the environmental health bureau.

Within each state visited there was some area in the regulation where flexibility in application to day care facilities was allowed. In Missouri, the Chief of the State Environmental Services Bureau, who has the inspection responsibility for day care facilities, issued a departmental circular to all state, county, and city sanitarians, portions of which are quoted below:

"The regulation and licensing of day care centers (day nurseries) is the responsibility of the Division of Welfare. This Division has requested assistance in food service sanitation for these centers . . . Sanitation Laws and Regulations, Governing Food Sanitation shall be used as a guide in making these evaluations; however, since the operation of day care centers differs from food service establishments, the following alternates may be necessary. (Emphasis added)

- A. Milk shall be served from individual containers, approved dispensers, or other methods approved by the health authority.
- B. Utensils shall be washed, rinsed, and sanitized. A domestic dish machine which effectively washes and sanitizes dishes may be used. Compliance should be determined for each individual machine.

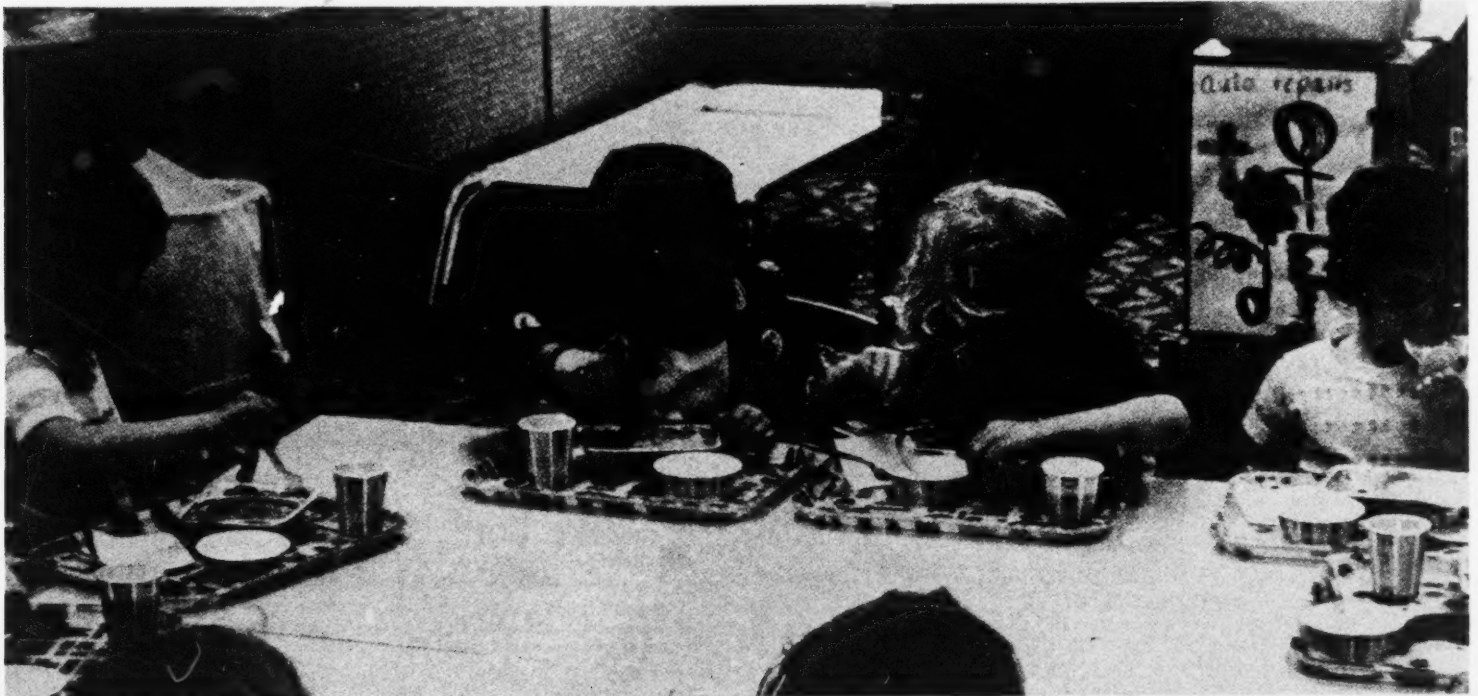
C. Food may be served 'family style'; however, any left-over food shall be discarded after each meal.

D. Approved type drinking fountains or single service cups shall be provided."

In St. Louis, Missouri, the Bureau of Environmental Health Services issued to its inspectors a day care facility policy directive. This directive modifies the local food service establishment ordinance and provides guidance to the inspectors of day care facilities in applying the regulation. Portions of this directive are quoted below:

"SUBJECT: DAY NURSERIES

Food Control Personnel will inspect the Food Service Facilities of Day Nurseries on a routine basis. Inspections, other than routine, will be made immediately upon receiving a complaint or referral concerning the Food Service Facilities of the Day Nursery. Regardless of the number of children, we will press for compliance with only that part of the Food Service Establishment Ordinance which our experience and conditions warrant. In establishing standards of operation, we will set what we consider to be the minimum acceptable to adequately protect the health of the children involved. The standards will be subject to change, as we feel circumstances warrant. For example, we may go along with a home-style dish washing machine until the volume of usage takes the machine out of service for frequent repairs. We might then recommend a commercial type dish washing machine and refuse to recommend the Permit for renewal until the commercial dish washing machine is installed."



Day care facilities located within the jurisdiction of these health authorities were able to meet these realistic "day care sanitation requirements" more easily than facilities located in communities where the restaurant/food service regulations were applied inflexibly, and compliance by a facility required costly equipment purchase and kitchen remodeling. Most problems with these restaurant requirements occur in older buildings which are remodeled for day care. Facilities which are newly constructed for day care usually are planned to accommodate three compartment sinks, a hood over the range, exhaust fans, etc.

State and local environmental health personnel generally utilize a U.S. Public Health Service, locally altered, inspection form. A copy of this form is left with the facility operator. This outlines in writing for the operator what must be accomplished to become certified. Day care facility operators interviewed felt more secure in the area of sanitation as a result of receiving this inspection evaluation form.

In Table 9, it can be noted that facility operators verified the common deficiencies expressed by local health inspectors. Those items "mentioned by licensing agencies" in the table include the responses of the fifty states to the question: "What are the ten most frequent problem areas or points of delay in the licensing process?" These answers are supplemented by responses from licensing workers interviewed during the six state survey.

HEALTH DEPARTMENT INSPECTION PROCEDURE STEPS

The following steps are typical of health and sanitation inspection procedures for day care centers. The steps were itemized during the six state field surveys from interviews with state and local health officials who actually make the inspections.

The local or state health department utilizes a trained sanitarian when inspecting a day care center, and a welfare department licensing worker conducts an informal inspection for day care homes.

SEQUENTIAL FLOW OF THE HEALTH AND SANITATION INSPECTION PROCEDURES

1. The local sanitarian receives a request to inspect a new day care facility from the state health department or a state licensing worker.
2. The sanitarian contacts the applicant for an appointment to inspect the potential day care facility.
3. The sanitarian visits the site of the potential facility and takes with him a copy of the health regulations in order to explain to the operator the health requirements. During this inspection the sanitarian will make immediate recommendations.
4. The sanitarian reinspects if necessary to assure compliance by the facility with all health requirements.
5. When the facility meets all requirements of the health department, the sanitarian notifies the state health department or the licensing agency that the facility is in compliance with health requirements and issues a report of clearance.

NOTE: During the initial inspection and additional follow-up inspections, the sanitarian notes any discrepancies on an inspection form and normally submits a copy to the operator. The sanitarian inspects all day care centers at least twice each year, due in large part to the food-facility aspect of the operation.

TABLE 9
COMMON HEALTH/SANITATION DEFICIENCIES

PROBLEM AREA OR POINT OF DELAY NOTED BY LOCAL HEALTH OFFICIALS	MENTIONED BY OPERATOR	MENTIONED BY LICENSING AGENCIES
Approved dishwasher or 3 compartment sink	yes	
Number and placement of toilets	yes	yes
Private water supply certification	yes	yes
Health and/or food handlers' permit	yes	
Ventilation (including kitchen area)	yes	
Private sewage system certification		
Paper plates and cups if no dishwasher or sinks	yes	
Food storage areas (including refrigeration)	yes	
Common towel usage		
Understaffed inspection department		yes
Lack of isolation area	yes	

STATE BUILDING CODES

Roughly one third of the states have a state building code of some type in effect. However, most state licensing agency personnel did not know if a state building code was in effect in their state. In the states that do have state building codes, they were usually based on one of the model national building codes and modified to fit the particular climatic and terrain considerations of the specific state. In these states, the building departments review plans from applicants for all new construction and remodelling, although some state building agencies will accept review by a capable local inspector.

State building code requirements are usually enforced by local officials where a city or county has a local building inspector, but the state retains the ultimate enforcement authority and may use it directly where no local code has been adopted. In Colorado, one of the follow-up survey states, state day care center regulations direct that the state codes must be met. Within municipalities, inspection of day care centers is accomplished by local building inspectors. Outside municipalities, inspections are made by regional state inspectors of the Department of Labor and Employment. All building inspection reports are routed through the State Labor and Employment organization to the licensing agency. Problems with the state building code are the same as with local building codes. Remodelling presents more problems than new construction.

Nationally, fifteen states have adopted some form of state Industrialized Building Unit legislation. Three of the states visited have Industrialized Building Unit (factory built housing) laws in effect. These state acts usually include requirements applicable to mobile homes as well. This type of law offers great potential for speeding the development and distribution of modular day care center facilities that can be moved from place to place in a state. State approved factory built structures, which meet particular building, electrical, plumbing, etc., codes specified in the law, do not have to meet the differing local building codes in force around a state, but can be erected anywhere in the state that zoning will allow.

In Virginia, a day care facility can be designed to meet state Industrialized Building Unit Standards. In California, at present, there needs to be an interpretation of whether state approved Industrialized Building Units can be used for day care facilities.

The Office of Child Development and the state licensing agencies should work to ensure that provisions allowing use of factory built units for day care facilities are included in the Industrialized Building Unit laws of states which presently have such legislation, and to advocate the passage of such legislation in the remaining states and development of interstate reciprocity agreements.

STATE AND LOCAL FIRE AND SAFETY REGULATIONS

Fire and safety codes are closely related to building codes and generally incorporate provisions for building construction, fire protection and general fire prevention. The fire protection section of the codes covers requirements such as: (1) the use of fire resistant materials to be used in construction, (2) size and accessibility of doors — both exit

and interior, (3) sprinkler systems and other fire-fighting equipment, and (4) fire escapes and other fire protection measures. In some localities, fire codes have been expanded to include provisions not directly related to fire prevention or protection. In Pennsylvania, for example, the building regulations for protection from fire and panic have features of general building codes although their basic emphasis is fire protection and prevention.

The fire codes also incorporate provisions relating to fire prevention safety practices, such as the handling of inflammable liquids and other materials, fire extinguishers, and the maintenance of clear fire exit passages.

Fire and safety regulations, like building codes, deal with grouping and use considerations. Similarly, day care facilities are not classified uniformly in fire and safety regulations from state to state and within a state. The most common use classifications are: (1) public assembly, (2) educational, and (3) institutional. These classifications usually are the same as those contained in the locality's building code.

The involvement of state fire marshal personnel is primarily in the area of building plan evaluations. State fire inspectors will usually inspect day care centers only in areas where there is no local fire district. In some states, the state fire inspector makes the initial inspection of a day care center, with subsequent inspections made by local fire officials.

Newly constructed facilities are usually planned to meet fire and safety regulations. Fire and safety problem areas are prevalent when an applicant wishes to convert an existing structure for use as a day care facility. This is particularly true when an applicant wishes to use a residential structure for a day care center. Common problem areas encountered by fire inspectors are:

1. Inadequate fire warning and/or protection system,
2. The lack of fire retardant materials,
3. Improperly enclosed furnances,
4. Insufficient number of exits,
5. Exit doors not opening in the direction of agress, and
6. Lack of solid core doors.

While a few operators interviewed were at odds with the local inspector, most applicants interviewed who had to do extensive and costly remodelling of their facility to meet the requirements of fire inspectors generally did not feel that the requirements were unrealistic. Delays attributable to fire and safety are longer than for any other area of concern, 65 days as indicated by the fifty state licensing authorities, due to the applicant's lack of funds to eliminate deficiencies.

Fire and safety inspectors were found to be among the most highly trained people inspecting day care facilities. They interpreted and applied regulations to day care facilities in the most stringent manner. All of the department inspectors in a single community usually interpret and apply fire regulations in a similar manner, but inspectors in two nearby communities may use a completely different approach with the same basic regulation.

SEQUENTIAL FLOW OF THE FIRE SAFETY INSPECTION PROCEDURE

The typical fire safety inspection procedure is described below. Keep in mind that, typically, family and group day care homes are only inspected by fire inspectors when it is a local requirement and are usually inspected by the state licensing worker.

The following procedural flow has been developed from information gathered from both state and local fire officials and does not represent the procedure of any particular fire department.

1. The applicant submits a copy of the facility's building plan (for new construction or remodelled facilities) to the state fire marshal's office. The applicant is told not to start construction until he has been notified of their approval.
2. The licensing worker requests the local fire department to conduct an inspection of the center when construction has been completed. (If no local fire department exists, the inspection request is sent to the regional State fire marshal.)
3. Upon completion of the inspection, the inspector will forward the results to the licensing worker. (If major discrepancies were found, the inspector re-inspects the center to ensure compliance before forwarding the approval.)

Steps 2 and 3 are also applicable to renewal applications.

LOCAL LAYERS OF LICENSING REQUIREMENTS

The portion of the total day care licensing process over which the state has the least control is the area of local ordinances. The local regulations for zoning and building are the requirements mentioned most frequently by state licensing personnel, local officials, and applicants as causing the most problems for applicants and most often slowing the licensing process. Business licenses and local city or county day care ordinances also demand additional steps from the applicant. Typically, meeting local regulations is the portion of the licensing process where licensing workers are least helpful to applicants.

ZONING

One area of local requirements that is not well understood by many state licensing workers is zoning. Zoning provides local control over the location and extent of various land uses, including day care facilities. The licensing workers' opinions about where day care facilities should be allowed in a community do not necessarily agree with the zoning ordinance, which may reflect an irrational fear of noise, traffic and dropping property values which neighborhood residents feel will be the result of a day care center (or home) locating near or adjacent to their property.

The zoning board's solutions to pressures for the acceptance or prohibition of day care facilities are developed to reflect community attitudes toward those pressures. The conditions under which day

care facilities are allowed in communities are often determined on the basis of providing protection to properties adjacent to the day care facility, not protection of children.

When the fifty state licensing agencies were asked, "What are the ten most frequent problem areas or points of delay in the licensing process?", zoning was mentioned 19 times as an area of delay. Fourteen of those mentions by states were specifically for time delays and costs incurred by the applicant in obtaining a special or conditional use permit in a zoning district where day care facilities are not permitted as a right. The states indicated the average delay caused when a conditional use permit was required was 55 days. Two other mentions were for delays in checking the ordinance and obtaining clearance for the site or facility with the planning or zoning commission. The remaining five mentions were related to the applicants' lack of understanding of zoning or the cost and time necessary to comply with the conditions of a use permit.

The fifty state licensing agencies were also asked to list the discrepancies most frequently responsible for denial of licenses on initial application. Non-conformity with local zoning codes was mentioned 10 times (20 percent of the states), which placed zoning problems in a tie with "inadequate child/staff ratio" for the seventh most frequently mentioned reason for denial.

In the telephone survey of applicants who began, but never completed the licensing process, approximately one out of three former applicants said they, "could not meet the requirements." Of those who could not meet the requirements, 7.2 percent could not meet zoning requirements. There was little variation between family day care home and day care center applicants, with 7.1 percent of home applicants and 7.6 percent of center applicants mentioning zoning requirements. In total, 2.4 percent of all former applicants interviewed said that zoning requirements were a major reason for their not completing the licensing process.

Licensed operators were also asked about zoning to determine if they had a similar view of the problems. In the interviews with 97 facilities in the six-state survey, 24 operators (roughly one quarter) indicated that city and county zoning ordinances had been a problem or had caused a delay in their attempt to become licensed. Fifteen of the responses dealt with the necessity of obtaining conditional use permits or occupancy permits, which often required a public hearing and caused a delay or cost problem for the facility. Only two homes said zoning was a problem, so virtually all day care facilities with zoning problems were centers. Thirty-one percent of proprietary centers and 20 percent of non-profit centers interviewed indicated a problem with zoning.

Two applicants said that the local zoning regulations forbid day care on the site they had selected and, as no waiver of this prohibition was possible, they had had to seek a new site.

In the six state survey, we did find some licensing workers who had assisted applicants in obtaining zoning clearances or permits and, on occasion, had attended public hearings to provide the applicant support. However, most licensing workers indicated it was not part of their job to assist an applicant in meeting the local zoning requirements beyond informing him that the local requirements must be met.

Day care facilities are frequently not defined in zoning ordinances. Although zoning ordinances adopted within the past few years are more likely to contain definitions of day care facilities, older ordi-

nances encountered in the six states visited usually had no definitions nor did they mention day care as a land use. The result of the lack of specific definition and consideration of day care facilities in zoning ordinances is: (1) a local interpretation of what other definition in the ordinance is close enough to be applicable (usually some type of school classification) or (2) the requirement that a special use permit be obtained since the use is not provided for in the ordinance. The second case is more common. Special use permits are also often required by ordinances in zones where day care is permitted conditionally.

The general steps in obtaining a special use permit are fairly consistent across the country but do vary greatly in the detail of information requested from the applicant, the fees charged, and the number of separate boards and commissions involved. Typically, the major steps are:

1. Application for a special use permit is made to the local planning or zoning commission or board. A fee accompanies the application.
2. The applicant submits vicinity maps and site plans for the proposed facility. In many cases, the applicant must also supply lists of the owners of record of property within a specified distance of the proposed day care facility lot.
3. The board sets the date of hearing, notifies affected property owners, and posts the property with the time, date, and place of the public hearing for the use permit.
4. The board advertises the hearing in a local newspaper at least 10 days prior to the hearing.
5. The board checks the area's Comprehensive Plan for compliance.
6. The board requests inspection of the facility by health, fire, building, and other local inspectors.
7. The board conducts the public hearing at which the applicant pleads his case, and any opposition is heard.
8. The board evaluates all pertinent facts dealing with the application and approves or disapproves the application.
9. If the decision is negative, the applicant may appeal the decision within a specified number of days.

Special use permit requirements were found to be used by some communities to discourage or essentially prohibit family day care homes as well as day care centers, particularly in residential zones. High application fees, costly plan submittal requirements, and the necessity for a public hearing all help to discourage applicants.

The planning director of one suburban community indicated that the intent of the Zoning Commission, in incorporating day care facility requirements in the zoning ordinance in 1959, was to enable construction of new facilities in commercial zones, but to prohibit use of remodelled structures for day care centers or operation of family day care homes. Since day care facilities of any kind are not allowed as a matter of right in any zoning district in the city, day care of one or more unrelated children requires a special use permit in every zone.

Before the planning director will arrange for inspection of a facility by the local fire and building departments to determine its suitability as a day care facility, the applicant must make application for a special use permit, pay a \$100 application fee, and attach to the application a detailed site development plan prepared by a registered architect or engineer. While this alone is enough to discourage most prospective family day care home operators, the planning director will also state that the planning commission has not looked with favor on applications for family day care homes. These special use permit application requirements have effectively discouraged licensed family day care homes in the city (and most centers as well).

While the provisions of the zoning ordinance in most communities are not as arbitrary as the example outlined above, they are in some respects the same as local day care licensing ordinances. For example, zoning requirements for outdoor play area or lot size are often much more stringent than state day care licensing requirements, and are coupled with additional front and side yard requirements.

Only rarely is there agreement between the state licensing regulation and local zoning laws with regard to the number of children allowed in different types of day care facilities. Zoning ordinances which contain definitions of day care generally define day care as care for more than "X" number of children and do not have any sub-categories such as family day care homes or day care centers.

To illustrate the lack of coordination or agreement between local zoning ordinances and state licensing regulations, the provisions for outdoor play space contained in several zoning ordinances in a metropolitan area are compared to each other and the state's regulations in the following paragraphs.

STATE

The state requirements for outdoor play space for a day care center state only that, "A safe, sanitary, and adequate play area shall be available." The state department recommends a standard of 100 square feet per child for day care centers (10 or more children).

CITY

The city zoning ordinance allows day nurseries for 10 or more children in two-family and multiple-family residential districts, residential office, limited commercial, neighborhood shopping areas, general business, central business districts and industrial districts, provided that a minimum outdoor play area of 150 square feet for each child enrolled shall be furnished anywhere on the premises except within a front yard or a required side yard, and provided, further, that such play area shall be enclosed with a continuous structural or vegetative fence or screen not less than three feet in height and provide one space of off-street parking for each two employees. Day care centers are allowed in other residential areas only by special use permit.

COUNTY

In the county surrounding a large portion of the city, day care nurseries and day care centers are permitted in churches in all residential zones.

"Nursery school, child care centers, kindergartens, day nurseries, day care centers, or any other use, however designated, which is operated for the purpose of providing training, guidance, education, or care for 4 or more children under 6 years of age, separated from their parents or guardians during any part of the day other than from 6 p.m. to 6 a.m., and serving primarily the children residing in the neighborhood" are permitted as conditional uses by special exception, "provided that such use shall have a minimum lot area of one acre and that any play areas shall be fenced where necessary to protect adjacent property." They are permitted by right in commercial zones, but must meet the same provisions as those conditionally provided.

It can be seen that, in many respects, local zoning ordinances are essentially local day care licensing ordinances and may have some rather strong differences from the state requirements.

Faced with conflicting ordinances, the Sacramento County, California, Department of Welfare set out to achieve better coordination of both Sacramento city and county zoning ordinances with the state licensing regulations. This was accomplished through meetings initiated by the licensing agency with the local zoning boards, which resulted in the preparation of proposed changes to city and county zoning ordinances. These were thoroughly reviewed by both the zoning agency and the county welfare office. At the time of the six-state survey, the city had adopted the changes, and the county was in the process of adopting the modifications.

BUILDING CODES

Building and other related codes, such as plumbing and electrical codes dealing with physical structures, treat day care facilities in many different ways. The degree of problem and expense faced by an operator in meeting local building code requirements are directly related to the group of uses with which day care facilities are included in the builders' code.

There are four model building codes that have achieved generally widespread acceptance and use by states and local communities across the country. Some localities adopt a version of the model code outright; most communities make some modifications to meet local conditions. While attempts to reconcile differences between the model codes have achieved some success in recent years, they do vary from one another. Existing classifications of day care facilities in these models do not agree.

Since most local codes are either adopted by reference or are based on and often closely related to one of the major national codes, these differences are passed on to locally adopted building codes. For example, the only mention of day care in the 1970 Building Officials Conference of America Code is in describing the uses to be classified as H-2, Institutional Incapacitated uses. Day nurseries are included along with hospitals, sanitariums, clinics, homes for the aged and infirm, and other buildings used for housing people with physical limitations because of health or age. The requirements for structures of this type are among the most restrictive and costly of any classification in the code.

In the Uniform Building Code, another of the national model codes, day care is classified under group C as "any building used for school or day care purposes more than 8 hours per week." This is a less stringent category than the BOCA code classification of "day nurseries."

The following table illustrates how local building inspectors classified day care in communities visited in the six state survey. We stress that this is the building inspectors' interpretation, since the chief building inspector of one city visitor¹ classifies day care centers as a public assembly or school use, while inspectors in other communities in the same state with a similar code interpret the code differently and classify day care as an institutional use. In a city in another state, which also uses the same basic building code, the building inspector classifies day care facilities with professional uses, for yet another interpretation. These differences in classification and interpretation point up the need for the development of uniform definitions and models for treatment of family day care homes, group day care homes and day care centers to be incorporated into the nationally used model building and fire safety codes. Uniformity here would be a great help in eliminating the large differences in opinion regarding where day care fits in present building codes.

The City of Detroit has a written departmental guideline for use by inspectors in applying the local building code to day care facilities. This was the only written day care guideline for building inspection encountered during the six state field survey. This guideline sheet was coordinated with the state day care licensing definitions to the extent that the number of children in care in family day care homes and day care centers was the same. Family day care homes caring for six or fewer children are classified with the building code category for one or two-family residential units, which are allowed up to five boarders. Day care centers for seven or more children are classified with institutional incapacitated uses.

Other codes closely related to the building code, such as plumbing, electrical and mechanical codes, were not considered separately from the building code by applicants, operators or state licensing workers. The National Electric Code is nearly universal in application across the country, either adopted by reference or as the basis for a locally modified code. Plumbing codes are more varied. None of the operators of facilities interviewed mentioned a problem meeting any of these specialized codes. Problems which may have occurred were simply considered to be "building code" problems. However, only nine specific mentions of problems with building codes were made by facility operators in the 97 facilities visited. These were all problems in meeting the code requirements and were twice as frequent in remodelled facilities as in newly constructed facilities. One reason for the few mentions of building codes is that the operators interviewed did not know much about them. Meeting the requirements of local building codes was left to the facility architect or builder where new construction or remodelling was accomplished. Operators were not familiar with inconsistencies between local codes. They made a decision to meet the codes when they decided to go ahead with construction.

A different point of view emerged from the survey of applicants who had dropped out of the licensing process. One third of these former applicants "couldn't meet requirements". Of these, 31.1 percent could not meet structural requirements. Applicants for day care homes (35.7 percent) had more problems than day care center applicants (23.3 percent).

BUSINESS LICENSES

In six communities visited in the follow-up survey, local business licenses were required for profit making day care facilities. Interestingly, only one of the private for-profit facilities visited in these communities had obtained a business license. In this community,

TABLE 10
CLASSIFICATION OF DAY CARE BY BUILDING INSPECTORS — SIX STATE SURVEY

	No Building Code	Residential Use	Professional Use	Public Assembly (School) Use	Institutional Incapacitated Use
<u>Colorado</u>					
Greeley			•		
Denver			•		
<u>Pennsylvania</u>					
Allentown		•	①	•	
Upper Darby				②	
Philadelphia				②	
<u>Michigan</u>					
Detroit		③		②	
Lansing			②	•	
Jackson				•	
<u>Virginia</u>					
Chesterfield County			•		
Richmond			•		
Alexandria			•	•	
Fairfax County			•		
<u>Missouri</u>					
St. Louis County				•	
St. Louis City	•			•	
Cole County	•			•	
Jefferson City				•	
Boone County				•	
Columbia				•	
University City				•	
<u>California</u>					
Hayward			•		
Vallejo			•		
Alameda County			•		
Oakland			•		
Sacramento County			•		
Sacramento City			•		
San Francisco			•		

- ① If there are classrooms
 ② Seven or more children
 ③ Under seven children

obtaining a clearance from the business license office is a required step in obtaining a local day care license.

Two types of business license fees were found. The first was a straight annual fee, which ranged from \$1.00 to \$50.00. The second type of business license fee was computed as a percentage of gross receipts. This percentage ranged from one quarter percent to one percent of taxable receipts. In all cases, the business licenses were imposed in large cities or in suburban areas surrounding large cities. The small towns visited had no business license requirements for day care facilities.

Only two operators signified that the business license process presented a problem. One was for a delay caused by the necessity to submit floor plans of the rooms to be used for day care to the office issuing the business license. The operator refused to pay the business license fee, but was licensed by the state.

Most of the state licensing workers do not know what counties and cities require business licenses for day care facilities in their area.

LOCAL DAY CARE LICENSES

In a few states requiring licensing, there are large gaps in coverage where state licensing is not mandatory for all cities and counties. Some of these communities have their own licensing regulations. Also in addition to "state" day care regulations, scattered communities across the nation have their own sets of standards. Forty percent of the states reported that at least one political subdivision within the state has its own day care licensing regulation, or equivalent, that is separate from and may be in addition to the state requirements. Table 11 lists the municipalities and counties reported by the states to have such requirements. These local regulations have developed and are administered primarily in urban areas. Of the thirty-two

TABLE 11
CITIES AND COUNTIES WHICH HAVE LOCAL DAY CARE LICENSING (or Equivalent)
As Reported by State Licensing Agencies

	Cities	Counties
ALASKA ARKANSAS	Greater Anchorage Borough Little Rock North Little Rock Hot Springs Denver East Hartford	
COLORADO CONNECTICUT FLORIDA		Most large counties (except Dade, Duval and Orange)
ILLINOIS	Chicago East St. Louis Danville Bloomington	
INDIANA MAINE MARYLAND MISSOURI	Lewiston Baltimore Kansas City (permit to operate) Jefferson City (permit to operate) St. Louis (permit to operate) Lincoln Omaha Concord (Fire Dept.) Las Vegas	Marion All Counties
NEBRASKA		
NEW HAMPSHIRE NEVADA		Clark Washoe
NEW YORK NORTH CAROLINA OHIO	New York City Jacksonville Cincinnati Dayton (not enforced) Oklahoma City Norman Portland Hampton Newport News Martinsville Alexandria Huntington	
OKLAHOMA		
OREGON VIRGINIA		Multnomah Fairfax Arlington
WEST VIRGINIA		

municipalities located in twenty-five counties visited by the field teams, four cities and two counties had developed formal ordinances specifically outlining requirements for day care facilities. Many of these local day care requirements are administered by city or county health departments. Typically, certification that these local licensing requirements have been met is a mandatory step in completing a state day care license application.

State and local agency standards for day care licensing have been developed by different people under different circumstances for different reasons, and very often were developed without consideration of parallel or conflicting requirements of other agencies. This piecemeal approach, so often used in the past, is simply too inefficient and costly to be allowed to continue unchecked. In most cases, it is the applicant who must spend the time and pay the cost of assembling a comprehensible view of what the divergent requirements are that he must meet. The applicant must resolve the conflicting requirements to the agreement of all agencies requiring compliance with their rules.

Some of these local day care requirements were instituted before state licensing existed, and have been retained because the local departments believe they provide better protection for the child in care than the state requirements. Other local ordinances for day care were introduced to complement state licensing through regulating half day programs under a set of requirements that parallel state licensing requirements for full day facilities.

The City of St. Louis, Missouri, provides an example of two local ordinances which are not coordinated with state licensing requirements. The definition in the local St. Louis child care ordinance is:

"A day nursery is defined as an institution or place in which three or more children, not of common parentage, are received for periods of not less than four hours nor more than twenty-four hours at one time for care apart from their parents, whether for compensation, reward or otherwise." (Emphasis added.)

The city has a second ordinance which establishes minimum standards for housing, fire protection, materials and construction for day nurseries for the care of four or more children.

State day care licensing regulations definitions state:

- A family day care home . . . "is a family home in which care is given to six children or less, not related to the day care operator, for any part of the 24 hour day. Where there are more than four such children, the home must qualify for State License." (Emphasis added.)
- A group day care home . . . "is day care given in a group in a family home to seven but no more than fifteen children, three years of age and older." (Emphasis added.)
- A day care center or day nursery . . . "is an organized group

TABLE 12
COMPARISON OF STATE AND LOCAL DAY CARE REQUIREMENTS

REQUIREMENTS	REQUIREMENT LISTED IN REGULATION			
	MISSOURI			ST. LOUIS (city)
	HOME	GROUP HOME	CENTER	
Staff Qualifications Child/Staff Ratio	yes 6:1	yes 10:1	yes 3-5 yrs. 10:1 5 yrs.+ 15:1	
Age Range Number of Children Hours of Care	under 17 yrs. 6 or less	3-17 yrs. 7-15	3 yrs.+ 7 or more	6 mos. - 14 yrs. 3 or more 4-24 hrs.
Health Exam Required Immunizations Required Isolation of Sick Child Daily Inspection of Child	yes yes	yes yes	yes yes yes yes	yes yes yes yes
Program Requirements Provision for Naps	yes yes	yes yes	yes yes	yes
Indoor Space/Child Outdoor Space/Child Toilet-Washbasin/Child		35 sq. ft.	35 sq. ft. 75 sq. ft. 1:10	300 cu. ft. adequate adequate for both sexes

program, not in a family home, for children three years of age or older. Such facilities providing care for seven or more children are considered day care centers (day nurseries) and shall meet licensing regulations set forth for such service." (Emphasis added)

Not only does the city child care ordinance disagree with these state definitions, but it also differs from the city building ordinance developed for day care facilities in regard to the number of children that can be in care. In addition to these conflicts, Table 12 will illuminate other conflicts of the local day care ordinance with the state requirements. The categories in the table are day care standards found in most state regulations.

In the State of Virginia, the type of local ordinances which can be developed in accord with most state requirements are discussed in the text below and portrayed on the following table.

The definitions of the type of day care facility used by each level of government varied. The following definitions are how they appear in the applicable regulation/ordinance:

1. State of Virginia Minimum Standards

- a. A child care center, oftentimes referred to as a day care center, day nursery or school, is defined in the Statute as "an institution operated for the purpose of providing care and maintenance for children separated from their parents or guardian during a part of the day only, but not for any period between the hours of 7 p.m. and 6 a.m. except a public school or other bonafide educational institution."

- b. "A family day care home is where a child or children are received for care, protection, and guidance during only a part of the 24-hour day, except children who are related by blood or marriage to the person who maintains the home."

2. Fairfax County Day Care Ordinance

"Private school and group day care facility. Any place, home or institution, however designated, operated for the purposes of providing care, guidance, education or training or any part thereof for four or more children not of common parentage under the age of five years before October 1st of each year for any period between the hours of 6:00 A.M. and 6:00 P.M." (Emphasis added.)

3. City of Alexandria Day Care Ordinance

"Day nursery: a) Any institution operated for the purpose of providing care and maintenance to four or more children under fourteen years of age separated from their parents or guardians during part of the day only, but not for any period between the hours of 7:00 P.M. and 6:00 A.M., except a public school or other bonafide educational institution; or (b), any private family home which provides care and maintenance for such children under the same conditions as those set out in clause (a) above, except a home in which such care and maintenance is provided for children related by consanguinity or affinity to the person who maintains such home, and for children as occasional bonafide personal guests, and for no other child or children." (Emphasis added.)

These local ordinances do show some positive thinking by local of-

TABLE 13
COMPARISON OF STATE AND LOCAL DAY CARE REQUIREMENTS

REQUIREMENTS	REQUIREMENT LISTED IN REGULATION			
	VIRGINIA		FAIRFAX (county)	ALEXANDRIA (city)
	HOME	CENTER		
Staff Qualifications Child/Staff Ratio	yes under 2 3:1 over 2 10:1	yes under 2 3:1 over 2 10:1		yes 15:1
Age Range Number of Children Hours of Care	infancy+ less than 10 part of 24 hours	infancy + 10 or more 6AM to 7 PM	5 years & under 4 or more 6AM to 6PM	under 14 years 4 or more 6AM to 7PM
Health Exam Required Immunizations Required Isolation of Sick Child Daily Inspection of Child	yes yes yes	yes yes yes yes	yes yes	yes
Program Requirements Provision for Naps	yes	yes yes	yes	yes
Indoor Space/Child Outdoor Space/Child Toilet-Washbasin/Child	adequate	20 sq. ft. adequate 1:15	20 sq. ft. 100 sq. ft. 1:15	20 sq. ft. 60-100 sq. ft. 1:15



officials who were trying to develop a locally restrictive ordinance and still maintain commonality with most state requirements. It is evident that more coordination could have been accomplished by the local officials with state licensing authorities to eliminate very obvious differences. As noted in Table 13, the state has requirements for family day care homes and day care centers, but both local ordinances have only one all inclusive category of day care.

Several communities with local requirements were visited in the six state follow-up survey. The local requirements, and the procedures or steps required are not similar enough to develop a listing of typical local licensing steps. Some provisions of the local ordinances were designed to help speed the licensing process. One ordinance requires local inspecting agencies to inspect and report findings to the local Director of Planning and Community Affairs within seven days of receiving a request for inspection. Facilities not meeting requirements are issued a written letter listing deficiencies to be corrected. Acceleration of the licensing process through team inspections is accomplished when possible in another community visited.

Local requirements considered over-stringent by operators of day care facilities result more from default than design; they often occur when all day care homes, or centers, or both are classed categorically with a group of other uses with higher risk factors and a need for higher safety standards than are necessary for day care facilities. Many of the requirements considered unreasonable by operators of day care facilities could be changed if local officials were properly approached and provided with the information needed to improve the local requirements.

Performance standards which allow for alternatives in meeting requirements should be used where possible in both state and local regulations to allow the greatest flexibility to licensing workers and inspectors in evaluating a day care facility for licensing. Coordination of state and local inspections should be accomplished so that a single inspection and report by an inspecting agency will include examination of the facility for its compliance with both sets of regulations.



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SECTION III

DAY CARE FACILITIES

Information on day care licensing from the facility operator or applicant view point was derived from two sources:

1. Telephone interviews with applicants in 40 states who had initiated an application for a family day care home or a day care center, but had for some reason never completed the licensing process, and
2. Follow-up "reality sample" interviews with operators of existing facilities licensed within recent years in six selected states.

The first group of applicants were surveyed to determine the reasons why they dropped out of the licensing process, and the latter group of operators were asked what they considered to be problem areas in licensing, what specific problems, delays and costs they encountered in the process and what persons or materials they considered were helpful to them in obtaining a license.

APPLICANT REASONS FOR NOT OBTAINING LICENSE

The persons interviewed had initially made application during the 1969-1970 calendar years, but, according to the state records, had not yet obtained a license. The majority of the persons interviewed had decided not to continue their efforts to obtain a day care license, even though some were operating day care homes. Nearly one out of three persons interviewed said they "could not meet" the licensing requirements in their state, and, although many said that they were continuing their attempts to obtain a license, most had definitely decided against it.

About one-third of the persons interviewed gave business reasons for not obtaining the license, with most of those reasons being insufficient funds. Only fourteen percent of the applicants indicated personal reasons for withdrawing from the licensing process. Statistical tables of the reasons given by applicants for not completing the licensing process are presented on the following pages.

SIX STATE SURVEY OF DAY CARE FACILITY OPERATORS

As originally conceived, three operators of day care centers in each of the six states were to be interviewed to determine their personal experience in obtaining a license and to check whether the state licensing agency and the day care applicant (operator) shared the same viewpoint with regard to the steps in the licensing process and problems encountered during the process that delay the licensing procedure or otherwise inhibit licensure.

However, as the data from the fifty state mail and telephone interview survey of state licensing agencies were analyzed, it became apparent that, while states indicated that meeting local codes and ordinances often create delays or problems for day care facility

TABLE 14
REASONS GIVEN BY APPLICANTS FOR NOT COMPLETING THE LICENSING PROCESS

	DAY CARE HOMES		DAY CARE CENTERS		TOTAL
BUSINESS REASONS		33%		42%	38%
Insufficient funds	35%		57%		48%
Decided it was a bad business decision	30		34		32
Found other employment	28		6		15
Not enough children	7		3		5
	100%		100%		100%
LICENSING REASONS		43%		53%	48%
Couldn't meet requirements *	52%		71%		63%
Wouldn't meet requirements	7		1		3
Too much harassment	11		12		12
Persuaded against it by officials	11		7		9
Too much of a delay in getting clearance	7		5		6
Inspecting authorities didn't show	11				5
Would take too long to meet requirements			4		2
	100%		100%		100%
PERSONAL REASONS		24%		5%	14%
Health of self or family	26%		19%		26%
Persuaded against it by friends	11		14		10
Harassed by neighbors	3		10		1
Pregnancy	12		10		13
Changed mind	17		24		17
Various personal reasons	31		23		33
	100%	100%	100%	100%	100%

*Detailed on the following page

applicants, most state personnel interviewed were not familiar with the steps required of applicants to meet those local requirements. In order to obtain a clearer picture of the variation in specific locally required steps from community to community and between states, and more information on how local requirements duplicate, conflict with, or are required in addition to state requirements, the number of facility visits planned for each of the six states was increased to include as many as could be scheduled within an expanded field trip time frame. Family day care home facility visits were included to determine local requirements for homes as well as for centers. Almost without exception, the state licensing agency staff selected the facilities and arranged for the visits, based on our request for a variety of facility types.

LICENSING PROCESS

The following discussion of the licensing process and its problems, as seen by the applicant, often can be applied to either family day care homes or day care centers. The steps in the state licensing process, as discussed earlier, are fewer and less strict for family day care homes than for day care centers. Thus, homes are considerably easier to license than centers. They are also more numerous and supply the majority of day care slots nationally. However, since a primary focus of this study was to determine problem areas in the licensing process, more centers were visited than homes in the follow-up survey. Additionally, the field teams asked that some facilities that had encountered problems in licensing be included in the facility sample selected by each state. For these reasons, the operator responses should not be construed to be necessarily representative of the "average" day care home or center.

Of the 15 day care homes reporting, only seven were licensed in six months or less, but 14 were licensed within fourteen months. Of the 56 centers reporting, 31 (17 out of 24 proprietary and 14 out of 32 non-profit) were licensed in six months and all but 12 in one year. Only one took longer than two years.

The licensing requirements reflected by the 50 states' regulations show a much less stringent set of rules for day care homes. Typically, homes are licensed by county licensing workers. Unless the worker spots a problem area, most states do not require another inspection, fire being the main exception to that rule. This more relaxed attitude is dissipated as the numbers of children increase. Group homes with more children were generally viewed by licensing workers and inspectors as small centers. But operators felt they were mothers (or grandmothers) not teachers; that if the house were good enough for the family, it was good enough for children.

What follows will generally apply to both day care homes and centers, if the reader will keep in mind the general axiom, as the number of children cared for in a group increases, problems increase.

From the applicant's point of view, the steps involved with licensing start with the facility site. In 96 out of 97 interviews in the six state survey, the applicant already had a potential facility in mind. However, sometimes he had to change his mind because of zoning, or some other regulation, which would prohibit use of this structure or site for a day care facility. In those states where licensing personnel are most aware of such problems, the potential center applicant is warned in the first contact of the possibility of problems concerning a facility: "Do not buy the building." "Do not do any remodeling." "Let us send you the day care rules and regulations." "Check with the planning commission." "Let our consultant come and look at your facility."

In these states, the licensing worker has been sufficiently trained to determine major problems that might affect the approval of a certain facility. If the building looks adequate, he recommends an inspection by fire and health. If not, the applicant is advised to look for a different facility. If the applicant is applying for a day care home license, such problems may cause him to drop out.

Particularly in urban areas, where the number of agencies to be contacted and number of requirements to be met are the greatest, the

TABLE 15
REASONS GIVEN BY APPLICANTS FOR NOT COMPLETING THE LICENSING PROCESS:
DETAILS OF "COULDN'T MEET REQUIREMENTS"*

	FAMILY DAY CARE HOMES	DAY CARE CENTERS	TOTAL
Zoning	7.1%	7.6%	7.2%
Staff qualifications	8.3	8.3	8.1
General health of staff and operator	10.0	2.8	4.3
Health factors relating to children	6.0	6.2	6.0
Nutritional and/or food health factors	3.6	2.8	3.0
Fire safety apparatus	24.3	21.4	19.2
Physical structure	35.7	23.3	31.1
Program	2.4	4.8	3.8
Determination of need	5.6	11.0	9.4
Staffing		5.5	3.4
Other requirements	7.2		
	100.0%	100.0%	100.0%

*Approximately one out of three applicants interviewed stated that they couldn't meet the requirements.

tacted and number of requirements to be met are the greatest, the applicant who does not have the help of the licensing worker is discouraged and confused. Licensing personnel, in one state visited, admitted that the maze of local officials was used to test the mettle of the potential applicant. The applicants, who made it over that hurdle, were considered to be a better group of potential operators. However, this approach may eliminate many persons who might be good day care providers, but who are not accustomed to coping with numerous public agencies at one time.

Licensing workers in each of the six states visited wanted to have a potential applicant contact the state licensing agency before making structural changes, etc., so a licensing worker could be assigned to help the applicant and prevent him from making costly mistakes. Without a licensing worker to run herd on paper work, an applicant may wait months not knowing who to call or what to do next. A frequent complaint by operators is that some inspectors give word-of-mouth instructions only, and do not leave any written report of the inspection, nor list of requirements to be met. If the operator fails to remember all that he is told to do, delays are inevitable.

The licensing worker can also help the day care applicant by explaining to inspecting officials the differences in the needs of small children in a group compared with those of adults. The inspector is asked to make decisions in areas in which he often has little or no previous experience. He may be utilizing a regulation which does not have a manual of interpretation for application to day care situations. The inspector who has dealt only with groups of adults, and does not know what is involved in the care of young children, may be frightened by the idea of numbers of children together in one area. As an example of this application of adult rules, several operators mentioned the exit lights. Very few children can read "exit" anyway; they know where the door is, but don't look up seven feet to see the red sign over the door. Red generally means "stop" not "go" to a young child, so an exit sign is very confusing to him. In addition to this, most emergencies also have power failure, so that lighted exit signs would not necessarily help a child to get out through the door anyway.

In another specific instance, a licensing worker convinced a fire inspector that spraying the draperies with fire retardant would be ample protection by citing the experience of five other centers where other inspectors had allowed this to be done.

NOT KNOWING WHO TO CALL

The licensing worker and the operator are both at the mercy of the inspectors, who must give their approval. In every state visited, instances of good and poor inspectors were mentioned by operators and licensing workers. But what was cited as a good inspector was often a lenient inspector. If the inspector felt the rule was unfair, he would not enforce it. While this may please the operator, it may also defeat the purpose of the inspection.

An inspector is considered to be "poor" by operators on the basis of uncompromising interpretation of regulations. He is usually classed as by such operators not because of lack of knowledge, but because of his attitude. Operators objected to the inspector who comes out and gives the operator an "order" and required the operator to comply with it without explaining the reason for it. It is sometimes difficult for operators to know whether or not the requirement they are begin asked to comply with is really something that will make a difference as far as the children are concerned. It is difficult for

most operators to know whether the person who is asking for compliance with some regulation is doing this because it is the regulation or is doing this out of a personal belief of his own. This was true of zoning boards, sanitarians, public health, etc.

In several communities visited, a procedure had been set up by the licensing worker or local government which cut through much of the red tape the operator experiences. It is called the team inspection. This is a help for the inspector as well as the operator. Differences of opinion can be ironed out either at the site or afterward in a meeting. Since opinions must be defended, the inspector is less likely to decide a point on his own bias. The operator is left with one set of instructions or discrepancies to be corrected. It also provides the licensing worker with an opportunity to explain the developmental needs of children to each of the inspectors. However, the inspectors should be trained in the application of their regulations to day care situations. If these were spelled out more clearly in codes, in a set of guidelines, or in an interpretive manual, all would benefit.

HOMES

The differences found in the licensing of homes had to do with less stringent requirements and fewer inspections. In health, the pre-entrance physical was felt to be impractical in some instances. This problem will be discussed under centers. For this and other requirements the county licensing worker was the inspector.

The attitudes causing the more relaxed requirements toward licensing of homes are reflected in the two anecdotes which follow. One day care home operator stated that she feels the day care home is best for young children because "it's a continuation of the mother's love and home atmosphere which a center cannot provide." Another, who was caring for 10 children, was annoyed with the advice given her by the consultant regarding child development. She was a grandmother, and she provided a "grandmotherly" atmosphere. She emphatically stated that this was what her parents (of the children) wanted. The threat of non-renewal that she though implicit in the suggestions of the licensing worker made her defensive. She felt that she did not have to educate, the children's parents did that.

The welfare departments within the six states surveyed attempt to license all baby sitters; they all admitted they were not very successful. Licensing workers check bulletin boards at grocery stores and laundromats. In some areas, all of the newspapers have been informed, and do abide by the fact that if a person comes in to advertise, offering care of children in his own home, the newspaper informs each he must have a license and that he cannot advertise until he obtains one.

In Detroit, licensing workers have orientation meetings twice a month, which all the people are invited who have expressed interest in licensing a day care home. At this time, the rules and regulations are explained and the application forms distributed. Those people who might not qualify are discouraged and channeled into looking for other possible sources of earning money.

The State of Michigan, realizing the unenforceability of licensing all day care homes, has suggested an alternate plan worth serious consideration. Quoting H. Gerald Hicks, "Comments on Proposed Revision PA 47:

"In our revisions, we propose to make all day care for non-related children subject to a registration which would be accomplished by the local department. Rules would be promulgated specifically for day care homes, and everyone registering would certify that they meet the rules as established (self-certification). Once registered, the registry would be maintained by the local department and anyone inquiring about the availability of day care situations would be given names from the registry. This would not be an endorsement of these homes, but only for informational purposes. The registry would have the further effect of allowing the department to gain entry into those situations in which there has been a complaint because of non-registration or because of lack of proper care of children. In such instances, the regular procedures for revocation of the registration would take place in the same way as a revocation of a license.

"Obviously, such a plan as we devise could not take place unless we were willing to enforce registration requirements and to publicize it in every community.

"I am sure that this approach would be a saving of manpower on the part of the local departments; however, we have made no estimate of the cost benefit. We are also proposing that registration be for a two-year rather than one-year period which would be a further cost saving. The registry would be computer printed as are foster home licenses at this time."

When asked how the licensing procedure could be improved, family day care home and day care center operators in the six state survey expressed to the field teams that the state licensing agency was not doing enough to beat the drum and inform the public and local officials on the advantages of placing children in licensed rather than unlicensed day care facilities. One family day care home operator, who has been caring for children for many years, said there had never been an article in the local paper (state capitol) listing the reasons why licensing was desirable, nor encouraging parents to use licensed facilities for day care of their children nor giving any information on how parents could find a licensed home or center.

CENTERS

Day care center operators reported that the concept of the group care of children was frequently not supported by public officials who were responsible for some phase of the facility's licensing. These operators believe that there must be increased dissemination of information about the needs of young children and the responsibility of the general public toward those needs. Better understanding of the goals of a good group situation for pre-school youngsters will help to ease troubled minds.

Center operators were concerned with inspectors who relied upon mechanical means to provide safety. They asked that the fire department teach the use of equipment. It does not help to have a fire extinguisher in a building if the people who are in that building do not know how and when to use it. The staff should have a short course in fire prevention: what to do if fire breaks out, and how to protect the lives of children. Exit lights and an alarm system may help staff get the children out of a center if they know where to go. All centers should have fire drills, and posted directions for getting out. One ghetto center visited had had three fires in the last two years. They had fire drills once a week and could get all the children out of a three story building in two minutes.

Buildings that had been housing a program for years are suddenly declared unsafe with the change of building or fire inspectors. A second floor which was used, now can not be used. A dryer or a hot water tank must be moved. Furnaces must be enclosed with one-hour fire resistant wallboard. The operator usually complies with the inspector's wishes, but asks, "Why was it all right before?"

Almost without exception, centers visited in ghetto areas were in poorer condition than those serving primarily middle class children. In one state's regional office, which served the largest urban area of that state, the licensing supervisor was adamant about this condition. She felt it was very unfair. Most centers having primarily poverty-level children are government subsidized. These programs are under-funded for remodeling and repair of facilities. Inspectors overlook problems; sometimes because of a racial or social bias and the belief that the children do not need anything better. Other inspectors believe that a day care facility — even a poor facility — provides a better environment than where the children come from. If the Federal government is going to continue to fund day care for low-income families, they must provide money for adequate facilities. In the states visited, it is impossible for an inspector to apply a uniform set of regulations — even very lenient ones — to all facilities in ghettos.

HEALTH

The operators generally had fewer complaints about sanitation inspections than others, not because they thought they were fairer or cost them less money, but because the inspector generally had a form which he followed. He often left a copy of this form with the operator. They knew where they stood with the sanitarian.

In each state visited, the operators commented on the regulations concerning the pre-entrance physical. Some stated that they had no problems with it because the child would not be admitted until he had the doctor's statement. Others said that they had a doctor on the staff who completed physicals within a few days after the child came to the center. Still others had a working relationship with a hospital or a public health clinic. But thirty-four operators from all six states voiced problems with the pre-entrance physicals. Working parents object to taking time off to go and sit in a doctor's office, waiting for hours to have him tell them that their child is healthy. This requirement is a protection for the individual child, not for those in the center. The center is not protected by a piece of paper on which a doctor has certified that the child is healthy. One can come down with a roaring case of measles two days after he has been looked at by a doctor who has said that he was perfectly well.

An alternate proposal is that parents should sign a health release. It would say that their children who will come into the center shall, within a reasonable amount of time, have a health examination to determine any possible physical defects, such as poor teeth, a bone deformity, internal problems, etc. This could be done after the child was in the center. If a parent seemed unwilling to give the child this kind of protection, then the center personnel should counsel the parent. In the case of an economically disadvantaged parent, the center should make some sort of recommendation through free public health services to see that this examination was completed, either at the day care center or in a health center if it is available in the community.

When a child is in the center on a regular basis, then the annual physical is not necessary. He is examined daily by people who are very familiar with young children when they are coming down with

an illness. If they are taken care of on a daily basis in terms of their physical health, then it is not really necessary for them to go to the doctor's office once a year to be certified that they are in good health.

Health services for the sick and chronically ill are needed in many crowded urban areas as well as rural. Over-worked doctors do not need to see healthy people. For this reason the annual physical for staff should be limited to a TB test, a blood test, a urinalysis. But a budget provision for substitutes should be allowed so that a staff member who is sick can go to the doctor and then go home to bed. Many a conscientious teacher has stayed at work with a cold or flu because of limited staffing patterns.

INFANT CARE

The group care of children under three has been "considered unwise" until very recently. Although the day care licensing regulations in 60 percent of the states contain provisions for infant care in day care centers when special requirements are met, many licensing workers frankly state that they discourage any group care of infants. This is obviously the opinion of the rule makers in many states.

It is not within the scope of this report to build a case for group care of the very young child; yet, in five out of six states visited, whether that state had written rules for infant care or not, it was being provided. Three of the six states visited in the follow-up field survey had state requirements for infant care. In the State of Virginia, there were no centers with infants in care, and, in California, infant care in centers was rare and discouraged by licensing agency personnel. The State of Colorado doubles the space requirements when infants are in care. Many states have child/staff ratios of 2:1 or 3:1, making infant care very expensive.

Infant care was felt by a staff supervisor in Colorado to be the number one priority day care need in the state. In Pennsylvania, which has no infant care provisions, a demonstration program was visited. A licensing worker, encouraged by her supervisor, helped the community set up an under-three program to supplement Head Start in a ghetto neighborhood.

COSTS

The information gathered in the six state field survey on costs should not be considered either complete or particularly accurate. Members of the field teams asked operators:

"For the previous month, what were your total salary expenses and number of full time equivalent employees? What is your cost per child per day? What is your fee schedule?"

Directors of non-profit centers using government funds usually knew the center's cost per child per day or could get the figures without difficulty. Proprietary center and home operators seldom figured cost per child, but those with bookkeepers could give us salary costs; those without added up the salaries for the previous month in their head and gave us that figure. Some respondents had no idea of costs. Some centers paid salaries only if money was available. Some respondents had no access to the books and so had no information. Most knew the fee schedule if they charged fees.

In several cases the cost per child per day reported could not have been accurate when compared to salary costs reported. In one center, the salary figure alone was \$8 per day per child, although the cost figure given was \$5 per day per child.

The salary range in all facilities interviewed was from a low average of \$133 per month to a high of \$685 per month. The median was \$300 per month. These figures were determined by dividing the number of full time equivalent staff into total salary costs.

In order to meet required child:staff ratios with the income from fee charges, proprietary centers tend to pay staff very poorly. Proprietary center salaries are lower than non-profit center salaries because owners generally counted themselves as staff but did not take a salary. Proprietary centers appeared to make little profit in most cases. State licensing workers worry whether children are being adequately fed in centers serving low income families. The operators in this situation in the six states said they cannot raise their rates because the parents cannot afford more.

THE OPERATOR AND THE LICENSE

The explosion of Head Start helped alert the general public to child development goals. Today, these are now being emphasized by day care licensing workers along with the requirements of a safe and healthful day care program. Some operators interviewed felt, however, that licensing is being used as a lever to implement these goals. When centers with custodial programs are reviewed for license renewal or are requesting a license to open, the licensing worker may issue a short term provisional license in the hope of improving the operator's program before recommending a full license. When overworked inspectors do not complete the necessary clearances, a license is not issued.

Conscientious operators want the license on the wall. Some method which would provide the operator with a visible record of completed clearances that could be posted for parents to inspect is recommended. This would provide the parent with a means of judging the center or home where his child was to be placed.

STAFF TRAINING FOR CENTER PERSONNEL

In 27 out of 50 states and in all six follow-up survey states, the requirements for the center director include some college courses or the equivalent. Education requirements are compared in Appendix G. When asked about the reasons for the requirements, licensing workers believed the way to up-grade the program was to require college and, particularly, child development courses.

Whether the licensing agency accepts the responsibility for staff training in the programs it regulates or assigns it to some other agency, directors of operating centers consider staff training a serious problem. Many have completed courses for degrees or have made arrangements to attend and/or have staff attend college classes in child development, nutrition, and first aid. But, the sentiment expressed by one nursery school director is a common one, "I don't want to send this innately talented girl to college. Right now she doesn't know what she can't do. I don't want her to learn that what is working for her supposedly doesn't work."

Different solutions to the training of staff are needed. One such solution is a series of workshops conducted by program oriented licensing staff developed to solve problems of the centers. A few of the problems mentioned by operators as subjects for workshop sessions are recruiting, how to involve parents, and necessary basic equipment. Another solution mentioned by operators is in-service training done in the center so that staff do not need to lose salary or be replaced while learning.





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THE CLIMATE FOR CHANGE

The information gathered indicates that several aspects of the day care licensing process will severely inhibit rapid expansion of national day care programs. The major factors appear to be:

1. The existing standards are not interpreted uniformly from one year to the next and from one geographic area to the next due to staff turnover and inadequate training programs.
2. Some of the requirements are unrealistically stringent, and guidelines for interpretation are lacking.
3. Central control of the speed of licensing is weakened by the layers of local zoning, building, etc., requirements, which are out of the jurisdiction of the licensing agency, and by reliance on the cooperation of inspection agencies which give low priority to day care inspections.

Until these major problems are resolved, preferably through a unified effort of Federal, state, and local government, they will effectively preclude rapid expansion of national day care programs.

The prevailing viewpoint of the states appears to be that the standards need to be reviewed and changed. In several cases, legislation is required, but in most cases regulatory change can be effected without legislation. As an indication of the national climate relative to change, 37 states expect to change their regulations within the next two years. The types of regulation changes anticipated by the states in 1971 and 1972 are summarized on the following table.

The anticipated changes in regulations and procedures vary considerably from state to state. Even within states, the changes appear to be an effort to repair standards and procedures that are simply no longer tolerable to the administering agencies. As a point of comparison, each state was also asked to indicate how its licensing procedures could be speeded up without loss of effectiveness of program control. As might be expected, most state licensing authorities indicated that an increase in licensing staff was the prerequisite to speeding up the licensing process without effective loss of program control. Also frequently mentioned were "improved state administrative procedures", "re-organize local staff", "develop more written state requirements", and "relax state requirements".

It is quite likely, then, that the majority of states will soon undertake changes in the licensing process which they deem to be in the best interest of their individual departments. However, it is not at all certain that the individual changes will produce any greater uniformity among states or within states. In all likelihood, the changes anticipated by the states will result in some slight localized improvements, but the basic problems deterring rapid expansion

nationally will remain. Further, there does not appear to be a national organization endorsed by state licensing authorities which is working on the problems of uniform standards and state administrative processes. It, therefore, would seem imperative that the Federal Government take a leadership position and prepare day care standards and administrative procedures for the states to consider during this critical period of change and encourage formation of a national association of licensing personnel.

TABLE 16
STATE REGULATION CHANGES ANTICIPATED IN 1971 AND 1972

TYPE OF CHANGE	NUMBER OF STATES PLANNING CHANGES
Special regulations for mentally retarded	2
School age care	3
Staff/child ratio	4
Program	5
Night care	10
Health, sanitation and safety	12
Staff qualifications	13
Infant care	16
Other miscellaneous areas such as "simplify standards", "complete revisions of standards", "update rules and regulations", etc.	29

areas. Inconsistencies in responses were corrected during the interviews.

Information on state licensing experience was obtained directly from states by a questionnaire that was divided into two portions: a mailback questionnaire and a telephone interview schedule. It was expected that telephone contact with licensing directors would yield more complete responses and would require fewer call-backs than a straight mail questionnaire. Each of the questionnaires utilized was pretested and revised as necessary.

Copies of the mailback questionnaire and telephone interview schedule were mailed to states with a request for a telephone interview appointment date. A set of general instructions for the questionnaires was included along with detailed instructions that were integrated into both questionnaire forms. Interviews were conducted over a four-week period; consequently, states were allowed to prepare answers to the interview portion for two to six weeks.

The interviews averaged an hour and a half each. They were spaced three hours apart to afford the interviewer ample time to edit the responses and prepare for the next interview. Since the respondents had their copies of the telephone interview schedule before them at the time of the interview, the interviewers acted as recorders, going through the questions item-by-item and probing and clarifying questions where necessary. Additional or qualifying information not called for on the questionnaires was recorded on special pages that were attached to the interviewer's copy of the questionnaires.

At the conclusion of the telephone interview, the mail-back questionnaire was covered item by item to ensure that all of the questions were interpreted properly. Completed questionnaires and interviewers' procedure were checked by the data collection supervisor. Items requiring callback were noted. End of day debriefings were held with the interviewers at various times during the survey.

Information from both surveys was coded and keypunched for electronic data processing. Additional call-backs were made to state licensing authorities as a result of the detailed scrutiny of data required by the EDP coding process.

Following completion of the fifty state survey, the states were grouped in terms of similar governmental organization for licensing, both departmental and interdepartmental as the first step in selection of the six states for the follow-up survey. States which do not require licensing of homes, or issue only voluntary licenses or license only in a small part of the state, were excluded from consideration for the follow-up field survey since they could not provide a complete and typical picture of state licensing.

Six states and four alternates were selected by Social and Administrative Services and Systems Association and the Office of Child Development from these organizational groupings in order to obtain:

1. A variety of management procedures;
2. A geographic spread nationally, to avoid clustering;
3. A range of regulations from the flexible and general to the specific and overly detailed;
4. A range of stringency of requirements (staffing and plumbing and other requirements with large cost impact were rated as to stringency); and
5. A wide range of urban and rural situations.

The six states visited were California, Colorado, Michigan, Missouri, Pennsylvania and Virginia. Two field teams of three interviewers each visited three states, spending an entire week in each state. Each field team included a management specialist, a codes specialist and a day care specialist. Each field visit began with a meeting with the state licensing agency to review the previously completed questionnaire, make final arrangements for facility visits and complete file searches of facility records where possible, prior to visiting day care homes or centers.

Interviews were held with local officials to obtain a clear picture of local requirements that must be met by day care applicants. Zoning, building, planning, fire safety and health officials were asked for information on local inspection procedures, and problems or delays encountered by day care facility applicants in meeting local requirements.

State building, fire safety and health officials were asked for information on local inspection procedures, and problems or delays encountered by day care facility applicants in meeting local requirements.

Interviews with officials and day care facility operators were carried out in 32 cities and 25 counties, with a stratification of facility interviews as follows:

	Urban	Small Urban	Rural	Total
Family Day Care Home	10	2	3	15
Group Day Care Home		2	3	5
Day Care Center	46	18	13	77
	56	22	19	97

A directed open discussion technique was used in place of a structured questionnaire. This allowed inspectors and facility operators to concentrate on what they considered to be the most important problems or delays in the total licensing process, both state and local.

APPENDIX A

METHODOLOGY

This study has a number of objectives: a description of the licensing requirements, state licensing procedures and licensing steps required of applicants in each of the 50 states; identification of those factors that facilitate or inhibit the day care licensing process, particularly licensing steps that are problem areas for applicants; and description and analysis of the range and variation of local government participation in the licensing process.

Prior to the data collection phase of the study, the Office of Child Development sent a letter to administrators in each state who were responsible for day care licensing. This letter explained the intent and scope of the total project, indicated that the Office of Child Development considered the project of great importance, and requested cooperation with any requests for information made by the researchers.

The data collection plan involved the collection of a reference library of state day care licensing documents; a survey of state licensing authorities; and a follow-up reality sample in six states which would involve interviews with state and local personnel licensing or inspecting day care facilities as well as facility operators in large cities and small communities.

As a first step in the data collection procedure, a letter explaining the study and requesting cooperation in supplying information was sent by the researchers to the state agencies responsible for day care licensing. The state licensing authorities were asked to forward copies of day care licensing statutes and regulations, statewide building, fire and sanitation codes, field worker's manuals, inspection checklists and all forms required from the applicants. The licensing documents were screened for completeness and appropriateness as they were received from the states. Additional materials were requested as necessary. Abstracts of state licensing requirements for family day care homes, group day care homes and day care centers were compiled from the state day care reference library. Content of the abstracts was dictated by the present and future needs of the project and for use by persons involved in day care at national, state and local levels. The abstracts were later reviewed by the states, to ensure their regulations had been properly interpreted.

States were asked to furnish the researchers with names of 30 applicants who failed to complete the licensing process (20 family day care homes, 10 day care centers). Applicants for facilities in both central city areas and communities with under 30,000 population were to be included in the lists.

Those persons whose names were submitted were telephoned and a questionnaire administered. Persons who could not be contacted during the daytime were called again in the evenings and Saturdays. The primary focus of the interviews was the reason or reasons for failing to continue the licensing process. Interviewers recorded the first reason given and then probed for other possible problem

DEPARTMENTS OF STATE GOVERNMENT RESPONSIBLE FOR LICENSING DAY CARE FACILITIES

	STATE LICENSES			VOLUNTARY LICENSES			CERTIFICATION ONLY			NO LICENSING LAW		
	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers
ALABAMA	W		W									
ALASKA	W	W	W									
ARIZONA							W					
ARKANSAS	W	W	W									
CALIFORNIA	W		W									
COLORADO	W		W									
CONNECTICUT	W		H									
DELAWARE	W	W	W									
FLORIDA	W		W									
GEORGIA	W		W									
HAWAII	W		W									
IDAHO	W					W						
ILLINOIS	W		W									
INDIANA	W		W									
IOWA	W		W									
KANSAS	H		H									
KENTUCKY	W		W									
LOUISIANA			W				W					
MAINE	W	W	W									
MARYLAND	W		H									
MASSACHUSETTS			H	W								
MICHIGAN	W		W									
MINNESOTA	W		W									
MISSISSIPPI				W		W						
MISSOURI	W	W	W									
MONTANA	W		W									
NEBRASKA	W		W									
NEVADA			W							X		
NEW HAMPSHIRE	W		W									
NEW JERSEY			E				W					
NEW MEXICO	H		H									
NEW YORK	W		W									
NORTH CAROLINA		W	W	W								
NORTH DAKOTA	W	W	W									
OHIO			W				W					
OKLAHOMA	W		W									
OREGON			W				W					
PENNSYLVANIA	W		W									
RHODE ISLAND	W		W									
SOUTH CAROLINA	W	W	W									
SOUTH DAKOTA	W		W									
TENNESSEE	W		W									
TEXAS	W		W									
UTAH	W		W									
VERMONT	O	O	O									
VIRGINIA	W		W									
WASHINGTON	W		W				W			X		
WEST VIRGINIA			W									
WISCONSIN			W									
WYOMING	W		W									

H = Health
E = Education

W = Welfare
O = Office of Economic Opportunity





APPENDIX C

EXCEPTIONS AND EXCLUSIONS FROM STATE FAMILY DAY CARE HOME AND GROUP DAY CARE HOME REGULATIONS

1. ALABAMA: None specified
2. ALASKA: Children in care who are related by blood or marriage to the owners or operators.
3. ARIZONA: None specified
4. ARKANSAS: Children in care who are related by blood, marriage or adoption to the owner or operator.
5. CALIFORNIA: Special Home — No children under three.
6. COLORADO: Children who are not related to the caretaker in care for less than two full consecutive days on a regular weekly basis.
7. CONNECTICUT:
 - a. Children in care who are related to the operator.
 - b. Occasional informal arrangements between friends or neighbors to care for each other's children during shopping, clinic visits, etc.
8. DELAWARE: Homes in which children have been placed by any child placement agency, properly licensed to place children.
9. FLORIDA: None specified
10. GEORGIA: Children in care who are related to the operator and whose parents or guardians are not residents of the same house, for day time supervision and care, without transfer of custody.
11. HAWAII: Children in care who are related by blood or marriage to the operator.
12. IDAHO: Children in care who are related by blood or marriage to the operator.
13. ILLINOIS: Children in care who are related to the operator.
14. INDIANA: None specified
15. IOWA: Children in care who are related to operator by blood or marriage, and except children received with the intent of adopting them into his own family.
16. KANSAS: Children in care who are related to the operator.
17. KENTUCKY: None specified
18. LOUISIANA: Children in care related to the operator and homes where foster care is provided.

19. MAINE: Children in care who are related by blood, marriage, or adoption to the operator.
20. MARYLAND: None specified
21. MASSACHUSETTS: None specified
22. MICHIGAN:
 - a. Less than 4 hours a day, for less than four days a week, for less than two consecutive weeks.
 - b. Children in care who are related to the operator by blood or marriage.
23. MINNESOTA: None specified
24. MISSISSIPPI: Children in care who are related to the operator.
25. MISSOURI: Children in care who are related to the operator. Care for less than 4 children.
26. MONTANA: Care for less than 4 children. Care provided for less than 5 consecutive weeks.
27. NEBRASKA: Casual care at irregular intervals.
28. NEVADA: Children in care who are related to the operator.
29. NEW HAMPSHIRE: Children in care who are related to the operator.
30. NEW JERSEY: Places which are operated, maintained, licensed, or regulated, or in which place a child is placed, pursuant to statute by:
 - a. The State Board of Child Welfare
 - b. The State Board of Education
 - c. Any aid society or a properly organized and accredited church or fraternal society organized for aid and relief to its members.
 - d. Any charitable society incorporated under the laws of this state having as one of its objects the prevention of cruelty to children or the care and protection of children.
31. NEW MEXICO: Children in care who are related to the operator.
32. NEW YORK: A facility operated for less than five hours per week.
33. NORTH CAROLINA: None specified
34. NORTH DAKOTA: Children in care who are related to the operator.
35. OHIO: Care of children for less than two consecutive weeks and care of children in places of worship during religious services.
36. OKLAHOMA: Informal arrangements which parents make independently with neighbors, friends, or others, nor caretakers in the child's own home.
37. OREGON:
 - a. Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
 - b. A facility providing care that is primarily supervised training



in a specific subject, including but not limited to dancing, drama, music or religion.

- c. A facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
 - d. A facility operated by a school district, political sub-division of this state or a governmental agency.
 - e. A group care home licensed under ORS 443.210 to 443.330.
38. PENNSYLVANIA: Children in care who are related to the operator.
39. RHODE ISLAND: Children in care who are related by blood or marriage to the operator, or legally adopted by or legally committed by order of any court to such person.
40. SOUTH CAROLINA: Children in care who are related to the operator.
41. SOUTH DAKOTA: None specified
42. TENNESSEE: Children in care who are related to the operator.
43. TEXAS: Children in care who are related to the operator.
44. UTAH: Homes caring for 2 or less children.
45. VERMONT: None specified
46. VIRGINIA: Children in care who are related by blood or marriage to the operator.
47. WASHINGTON: Homes maintained by legal guardians of, and persons related by blood or marriage to the person receiving care, and parents who exchange care on a mutually cooperative basis.
48. WEST VIRGINIA: None specified
49. WISCONSIN: Homes caring for less than four children.
50. WYOMING: None specified
51. DISTRICT OF COLUMBIA: Children related by blood or marriage to, or adopted by the family day care home operator or operators, or for whom the operator or operators are the duly appointed guardian or guardians.

EXCEPTIONS AND EXCLUSIONS FROM STATE DAY CARE CENTER REGULATIONS

1. ALABAMA: . . . shall not include kindergartens and nursery schools operating under public school auspices or kindergartens or nursery schools operating in connection with parochial or other properly established and authorized grade schools. Care given to children on church premises while their parents attend services are excluded.

2. ALASKA: Facilities such as Kindergartens and nursery schools would not be subject to these regulations. Also excluded from the interpretation of this term is any home which is not regularly in the business of providing day care services to children but is caring for children temporarily to accommodate a friend or neighbor. However, the Division reserves the right to inquire into the program of any facility providing care and services to children to determine its true purpose. Facilities on military bases are also excluded.

3. ARIZONA: . . . except parochial and private educational institutions which are operated for the sole purpose of providing an education to children in substitution for an education in the public school system.

4. ARKANSAS: Excluded are special schools or classes operating solely for religious instruction, short term care with parents on premises or nearby, public schools above grade 1, public school kindergartens, and persons caring for children of not more than two families at a given time.

5. CALIFORNIA: Foster family day care homes
Facilities offering 24-hour care
Regular elementary schools which offer educational programs only.

6. COLORADO: . . . shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades; . . . shall not include any facility licensed as a family day care home.

7. CONNECTICUT: . . . shall not include: (a) facilities which are an integral part of the school system; (b) kindergarten and nursery schools which are teacher-training laboratories for accredited institutions of higher learning; (c) such after-school or vacation recreation facilities as settlement houses, boys' and girls' clubs, scouting and camping organizations, and church-related community centers and youth organizations; (d) informal cooperative arrangements among neighbors or relatives in their own homes.

8. DELAWARE: Specifically excluded are those institutions under supervision of the Department of Public Instruction, those owned and operated by governmental agencies or hospitals, day camps, short-term babysitting at establishments where parents are nearby.

9. FLORIDA: Excluded are:
A program for preschool children, ages two years to school age, conducted for a period of less than four hours per day.
A program providing education for school age children that has a full day educational curriculum.
A child care program subject to regulation by another governmental agency unless their regulations so stipulate.
A child care program located on property of the United States Government except one located in a Federal housing project.

10. GEORGIA: Excluded are facilities with programs of less than four hours, summer camps, shoppers and similar facilities, and facilities for retarded children.

11. HAWAII: Exceptions are "an individual person . . . if the person does not regularly engage in such activity, a kindergarten or school conducted solely for educational purposes or specialized

training, or an organization established to conduct athletic or social group functions."

12. IDAHO: No exceptions specified.
13. ILLINOIS: The term does not include (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; (b) facilities operated in connection with a shopping center or service or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; (c) any type of day care center that is conducted on Federal government premises; or (d) special activities programs, including athletics, crafts instruction, and similar activities conducted on an organized and periodic basis by civic, charitable, or governmental organizations.
14. INDIANA: Excluded from the definition are nursery schools and kindergartens.
15. IOWA: Excluded are summer camps and bowling alley nurseries.
16. KANSAS: Excluded are kindergartens accredited by the State Department of Education, babysitting in a child's own home, care provided where parent is on premises, and short term or irregular cooperative exchange of child care between parents.
17. KENTUCKY: . . . shall not include any child care facility operated by a religious organization while religious services are being conducted. Also excluded from the definition are summer camps, university nursery labs, and private kindergartens.
18. LOUISIANA: Excluded from the definition are institutions caring for the retarded and summer camps.
19. MAINE: . . . except that any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center.
20. MARYLAND: Excluded are services and facilities operated by official boards of education.
21. MASSACHUSETTS: Shall not include: (1) services of kindergartens or nursery schools operating as part of organized educational systems and; (2) services of kindergartens or nursery schools operated by a state agency.
22. MICHIGAN: Exception: The Commissioner may exempt certain group care centers from licensure; e.g., when they are under the direction of any established and accredited school system.
23. MINNESOTA: Centers operated by local boards of education or by other governmental units are not required to have a license.
24. MISSISSIPPI: None specified.
25. MISSOURI: Excluded from the definition are services provided by persons related by blood, marriage, or adoption, services provided for personal guests, and graded boarding school, nursery school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment or nursing, or convalescent care for children, business for convenience of the customers, school system, religious order, state, city, or county.
26. MONTANA: Exceptions: Care by relatives and facilities for educational purposes.
27. NEBRASKA: Excluded from the definition are shopper and bowler services, private preschools, migrant day care where no fee is charged, short term care where parent is in building, day care where no fee is charged, and Head Start programs.
28. NEVADA: Excluded from the definition are summer camps, city and county operated facilities, and public facilities.
29. NEW JERSEY: Exceptions:
 - a. The State Board of Children's Guardians of the Department of Institutions and Agencies.
 - b. Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief of its members.
 - c. Any children's home, orphan asylum, children's aid society, or society for the prevention or cruelty to children, incorporation under the laws of this State and subject to visitation or supervision by the State Department of Institutions and agencies, except in the conduct of a philanthropic day nursery.
 - d. Any other public agency operated by a county, city, municipality or school district.
31. NEW MEXICO: . . . shall not apply to the following:
 - a. Facilities operated exclusively by the Federal Government or any of its authorized Agencies.
 - b. Public Schools.
 - c. Private schools (except facilities for mentally retarded or emotionally disturbed children) operated primarily for educational purposes for children who have reached legal or compulsory school age.
 - d. Nurseries provided in houses of worship exclusively for children of parents who are simultaneously attending worship in the same building or immediately adjacent church building.
 - e. Summer camps.
32. NEW YORK: Excluded are the following:
 - a. A day camp.
 - b. A kindergarten or nursery school operated by a school or academy that is providing elementary or secondary education or both, in accordance with the requirements of the Education Law as to compulsory education; and
 - c. A nursery school or pre-kindergarten voluntarily registered with the New York State Education Department.
 - d. An after school program operated for the primary purpose of providing religious education.
33. NORTH CAROLINA: Facilities established as a laboratory school or for the purpose of research and demonstration under auspices

of a university or college and programs administered by the public school system are not ordinarily included in this definition. A private kindergarten or nursery school offering a half-day program focused primarily on education is under the supervision of the State Board of Education.

34. NORTH DAKOTA: Facilities operated by a governmental agency other than the county welfare board or the Public Welfare Board.
35. OHIO: Excluded are summer camps, child care while the parent is on the premises, special interest or activity groups, and child care in place of worship during religious services.
36. OKLAHOMA: This does not include nursery schools, kindergartens, or other facilities for which the purpose is primarily educational, recreational, or for medical treatment, and informal arrangements with friends.
37. OREGON: Specific exclusions are provided for facilities which are primarily educational, training, athletic or social, religious, governmentally supported and directed.
38. PENNSYLVANIA: Excluded are facilities operated by state or Federal governments and child care furnished in places of worship during religious services. Day care centers which are operated on a non-profit basis are subject to the same general requirements contained herein for day care centers operated for profit. These non-profit facilities are not licensed.
39. RHODE ISLAND: When operating less than four hours a day, a nursery school is under the jurisdiction of the Department of Education and its operation must seek approval from that Department.
40. SOUTH CAROLINA: . . . the term does not include the day care service of any agency to which State funds are appropriated, nor does it include any kindergarten or school which has as its primary function educational instruction and which operates (1) under the supervision of the State Board of Education or a County Board of Education, or (2) under a qualified teacher, or (3) less than four hours per day. Provided, however, that any kindergarten or school exempted under this provision may be licensed upon its voluntary agreement to subject itself to the terms and provision of the law relating to child welfare agencies. Day care services owned and operated by established religious denominations may be included only if such facilities voluntarily assume the rights and obligations of the Licensing Act.
41. SOUTH DAKOTA: Excluded from the definition are schools (including nursery schools), relatives caring for children, recreational programs and summer camps, and casual care (i.e. baby-sitting).
42. TENNESSEE: Exceptions:
 - a. Kindergarten or day care centers operated or approved by the Department of Education.
 - b. Day care centers operated by a bonafide religious organization.
43. TEXAS: Excluded are facilities supervised by other state agencies.
44. UTAH: Excluded are care by relatives, and care provided by boards of education or parochial schools.
45. VERMONT: Exemptions: (1) A person providing care for children of not more than two families other than that of the person providing care; (2) a hospital or establishment holding a license issued by the Department of Health, or a person operating a program primarily for recreational or therapeutic purpose, unless the hospital, establishment or person provides services for the care, protection and supervision of children not incidental to its primary purpose . . . and (3) day care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church-sponsored activities.
46. VIRGINIA: Exceptions are:
 - a. A public school or other bonafide educational institution.
 - b. An institution operated as a part of the program of a college, university, or public elementary or secondary school or private school meeting the rules and regulations promulgated by the State Board of Education under the provisions of Section 22-115.33, Code of Virginia.
 - c. An institution qualifying as a nursery school; that is, a school which is primarily educational in nature which meets the needs of the child of five years and operates not in excess of six and one-half hours per day.
 - d. An institution qualifying as a kindergarten; that is, a school which is primarily educational in nature which meets the needs of the child of five years and operates not in excess of six and one-half hours per day.
47. WASHINGTON: Excluded are:
 - a. Nursery schools or kindergartens engaged primarily in educational work with preschool children for less than 4 hours per day.
 - b. Parents who exchange care of one another's children on a cooperative basis.
 - c. Facilities for less than 24 hours where parents remain on premises to participate in activities other than employment.
 - d. Facilities approved and certified under RCW72.33.810 (Facilities for the care and training of handicapped persons.)
 - e. Any agency having been in operation in this state ten years prior to March 1967, not seeking or accepting monies or assistance from any federal or state agency, and supported in part by endowment or trust fund.
 - f. Seasonal camps of 3 months or less duration engaged primarily in recreational or educational activities.
48. WEST VIRGINIA: Excluded: facilities operating only a few hours a day, summer camps, bowling alleys and club operated facilities.
49. WISCONSIN: Does not include:
 - a. A relative or guardian of a child who provides care and supervision for the child; or
 - b. A public or parochial school, or the Young Men's Christian Association; or
 - c. A person employed to come to the home of the child's parent or guardian for less than 24 hours a day.
50. WYOMING: Excluded from the definition are summer camps and any facility operated by a division of the state government.
51. DISTRICT OF COLUMBIA: No exceptions specified.





APPENDIX D

POINTS OF DELAY IN THE LICENSING PROCESS

Question to state licensing authority: "What are the ten most frequent problem areas or points of delay in the licensing process? How many days' delay does (each) point generally causes?"

	TIMES MENTIONED	AVERAGE DAYS' DELAY
DELAYS BY LICENSING OFFICIALS		
Final endorsement of Safety Department for permanent licenses delayed due to shortage of staff	1	unk
Not enough staff for fire inspections	1	30
Getting reports by fire department due to lack of staff	2	30
Understaffed for local fire inspections since area so large	1	30
Delay in receiving report of fire marshal inspection	1	10
Delay of fire safety - understaffed and disagreement in where authority rests	1	90
Delay in inspecting for fire and delay in reporting	1	90
Fire reports delay - not reimbursed by Dept. of Social Services	1	15
State Inspector - scheduling problem	1	30
Fire inspection - difficult to get to remote areas and weather often bad	1	120
Fire inspection - approval delayed due to unreasonable fire standards	1	60
Delay in notification of fire clearance due to fire marshal's procedures	1	30
Confusion as to who is responsible for fire inspections	1	unk
Slow and inconsistent fire inspection and reports	1	180
Lack of fire marshal approval	1	180
Lack of cooperation of local fire departments due to lack of personnel and volunteers	1	30
Lack of sufficient licensing staff	14	60
Red tape involved with examinations and records	2	unk
Resistance to inspections by licensing authority	1	unk
Technical details of plan review	1	135
Delays in scheduling hearings	1	30
Resistance of local authorities who do not see the need for day care	1	90

General lack of knowledge by communities about day care licensing - suspicion of caseworker's checkups	1	unk	Cost of applicant insurance	1	90
No time limit for city processing of city portion of licensing process	1	unk	Costs of applicant's physical examination	2	60
Delay in receipt of sanitation inspection due to understaffing	3	35	Receiving medical reports from applicant due to cost and delay in getting appointment	6	40
Sanitation and well water inspection	2	25	Staff resentment toward need for medical exam due to delay in obtaining appointment and cost	3	unk
Slow receipt of sanitation reports due to county Health Department staffing problem	1	15	Cost for meeting sanitation requirements	2	50
Sanitation inspection - remote area and bad weather	1	90	Cost for getting water supply approved	2	120
Sanitation inspections are delayed in some communities	1	unk	Cost of submitting architectural plans	2	unk
State regulations for staff	1	unk	Cost factor - lack of plumbers and handymen for small jobs	2	45
Scheduling problems with building inspection: not enough personnel and increasing number of centers	2	unk	Carpentry services and costs in getting approval of building for center	1	90
Health Department and applicant's own architects slow in reviewing plans	1	15	Costs involved in making building repairs, screens doors, and windows	1	60
Awaiting results of medical examination and/or scheduling of appointment for examination	2	25	Lack of funds to improve building to comply with building codes	1	unk
Medical reports from doctors delayed	4	50	Remodeling centers - underestimating funds necessary	1	unk
Bookwork involved in keeping adult and child health cards up to date	3	40	Finances needed to repair inadequate facilities	1	180
Final endorsement from Health Dept. for permanent licenses delayed by shortage of Health Dept. staff	6	20	Compliance with standards - fence cost too great	1	30
Delay in approval of food program	1	60	Dollar cost to obtain building permit	1	90
Delay in approval of health program	1	60	Time and cost involved in meeting code inspections	1	60
Health inspector scheduling problems	1	30	Resistance to state space requirements - cost of meeting	2	4
Failure of Health Dept. to return health inspection reports	1	unk	Cost of obtaining adequate equipment	7	105
Health reports not reimbursed by social services	1	15	Cost of indoor-outdoor play space and equipment	1	45
Zoning clearance - long wait for special variances	1	60	Expense of meeting requirements of health inspection	3	30
Zoning check - time required	1	15	Cost of food service	1	unk
Zoning in unincorporated area - time lag caused by city commissioners being too busy	1	20	Health Department fee of \$50 is too much	1	30
Zoning check and hearing when zoning doesn't allow use		55	Cost involved in meeting adult/child ratio of Federal requirements	1	unk
Zoning out of date for day care	1	90	Insufficient funds to meet initial output for staffing	1	unk
Long process involved in fingerprint clearance	2	65	Applicant doesn't want to limit number of children and staff costs high to meet child/staff ratio	1	unk
Delay in routing for director's signature	1	5	Inability to pay staff	1	unk
Computer system data run - only programmed once a month	1	45	Cost and waiting period for zoning approval	1	45
			Time and cost for hearing for special use permit	1	30
			Difficulty in getting financing to open facility and meet operating expenses	15	110
			Inability to secure children able to pay full cost	1	unk
			Unrealistic expectations of profits	4	unk
			Time involved in making building changes to meet fire code	3	135
			Lack of adequate housing to meet fire code	1	unk
			Getting carpentry done to obtain approval of Fire Department	1	30
			Insufficient fire exits	1	60

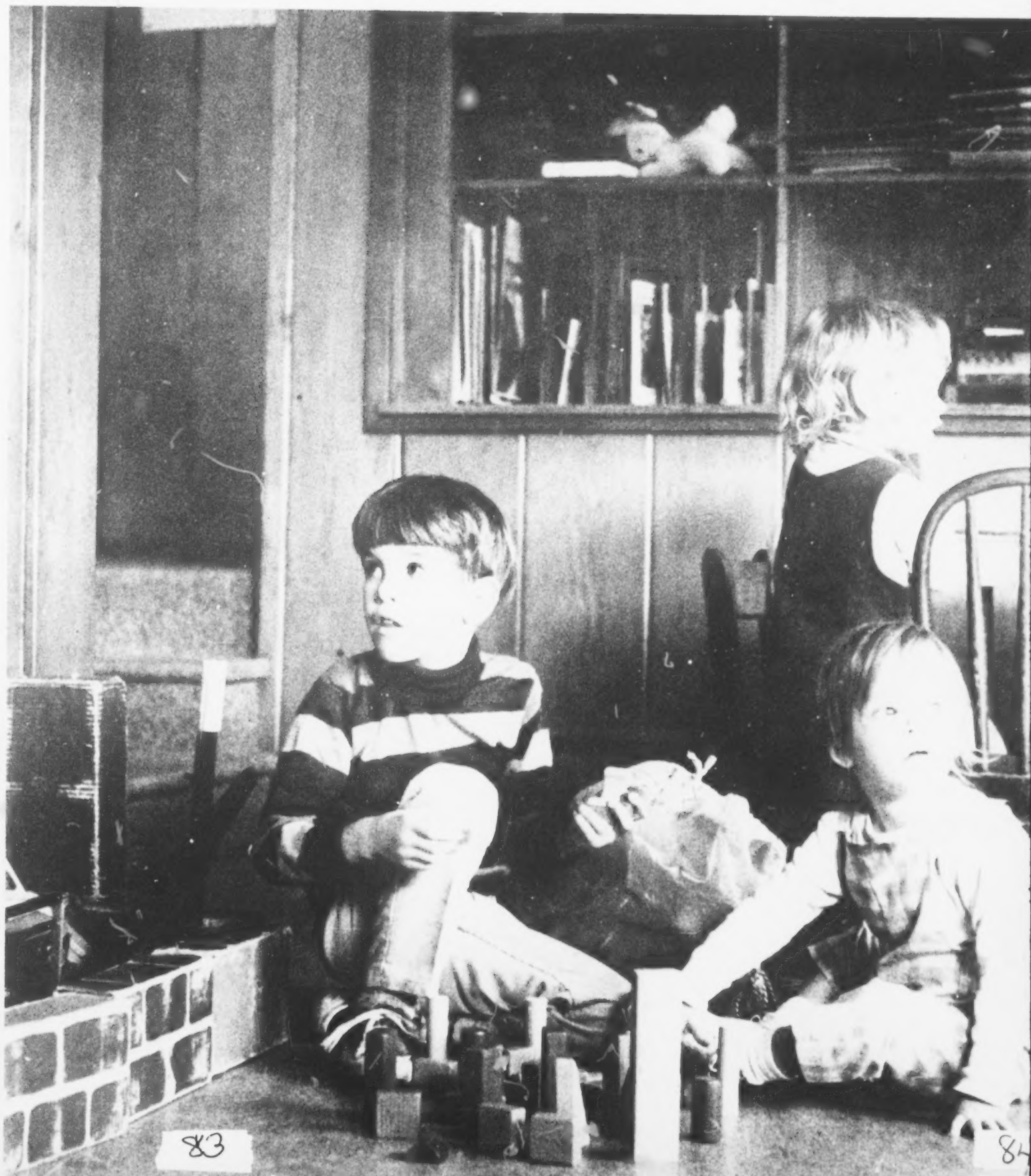
DELAYS CREATED BY APPLICANT'S FINANCES AND GENERAL INABILITY TO MEET STANDARDS

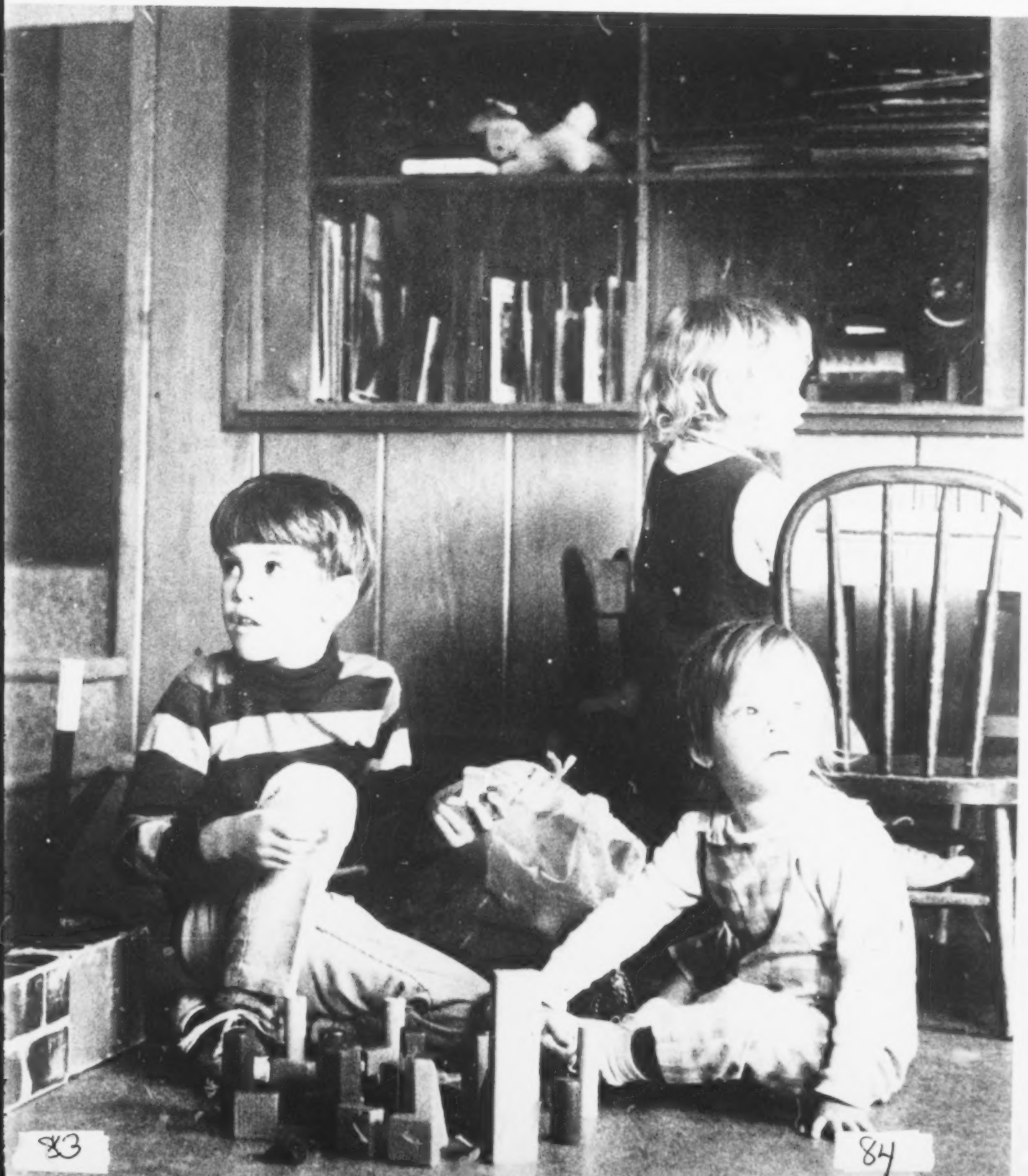
Expense of meeting requirements of fire inspection	6	50
Cost of installing fire alarm system	3	160
Cost of replacing wall furnace heating	1	90
Cost of changing doors to swing out	2	35
Cost of installing required fire exits	1	120

Unvented heaters illegal	1	30	Applicant fails to supply equipment lists	1	unk
Time involved in enclosing furnace area	1	45	Poor acceptance of need by applicant for costly equipment	1	5
Safety check-up of premises, unraild stairs	1	30	Weak center administration controlled by one person, board losing interest	1	45
Obtaining facility meeting structural requirements necessary for safety of children	6	65	Slow in supplying ownership information non-profit center	1	30
Building found inadequate during pre-application building inspection	1	30	Obtaining necessary data on incorporation	1	60
Carrying out required changes to bring facility up to standards	1	unk	Charter for non-profit status must specify day care	1	135
Contractors do not meet construction deadlines due to unions and weather	1	35	Keeping copies of records up to date and available	1	30
Obtaining landlord permission on rented premises	1	unk	Applicants trying to do a very good job are slow to submit information documents	1	5
Getting plumbing and carpentry done to meet Health Department standards	2	35	Lack of enthusiasm of sponsoring agency in following through on plans	1	180
Lack of adequate housing meeting health standards	2	unk	Lack of stable auspices - impulsive response to publicity	1	unk
Dietary practices, no hot lunches	1	60	Lack of experience and understanding of operator requires time to emphasize standards required	3	75
Submission of poor plans - poorly done - returned	1	25	Difficulty in obtaining client understanding	1	unk
Equipment below standards in number or quality: cots, highchairs, play equipment	3	75	Lack of adequate pre-planning by client	1	unk
Inadequate play space for children - outdoor	1	75	Ignorance of taxation, licensing laws	1	unk
Lack of trained and educated personnel	7	unk	Delay in obtaining initial contact with applicant due to applicant's tardiness	1	unk
Not enough staff to provide qualified program	1	90	Programs - unwillingness to meet standards	4	unk
Cannot find, hold, or pay staff	2	unk	Personal family adjustments	1	90
Staff turnover too great	2	unk	Unable to verify or contact references	8	30
Time in getting staff certification	1	7	Oversight - forgot to enclose fee with application	5	25
Staff qualifications must be met	1	unk	Applicant failure to send in all required forms	4	10
Inept or new director	1	20			
Time required to find director - cannot open without director	1	unk			
Too many children and not enough staff	2	unk			
Separating infants from older children	1	unk			
General program weakness in content and curriculum	1	45			
Child caring practices - severe structuring and regimentation	1	45			
Transportation problem, busses required but busses not up to standard	1	unk			

APPLICANT LACK OF AGGRESSIVENESS

Delay in receipt of health certificates from staff and families	4	60
Lack of health records for staff	5	35
Submission of medical reports slow from applicant	1	40
Application received without doctor's report - applicant forgot or slow doctor	1	15
Lack of health records for children	4	40
Building inspection - applicant doesn't understand the regulations		unk
Delay in submitting drawings of plans for remodeling to state	2	55





APPENDIX E

PROBLEMS OF COORDINATION WITH "COOPERATING AGENCIES"

Question to state licensing agency: "What problems are encountered in coordinating with other inspecting departments?"

Classified by agency causing problem: **TIMES MENTIONED**

STATE HEALTH

Review of architect's plan slow due to state health staff shortage	2
Lack of field staff to follow-up in Public Health	1
Too slow in producing reports	4
Not interpreting requirements the same as other departments	1
No coordination regarding inspecting departments	1
Slowness in completing instructions	2

LOCAL HEALTH

Lack of uniform requirements and implementation (sometimes differences within same city)	2
Lack of health department staff (local)	2
Local health and sanitation requirements are too strict	1
Delays created by state scheduling fire inspections with local agency	1
Lack of field staff to follow-up in Public Health	1
Getting nursery services performed	1
Misinterpretation of information between day care coordinators and sanitarian	1
Delays of inspection, report writing and return	2
Needs of children relative to health standards need to be clarified to local Health	1
Sanitation inspections not made by local offices	1

STATE FIRE

Inconsistency in fire safety requirements	1
Failure to follow-up	1
Too slow in producing reports	4
Doesn't have written standards	1
Delays in conducting fire inspections	4
Inconsistent interpretation of fire codes	3
Not interpreting requirements the same as other departments	1
Unreasonable (petty) detail in fire inspections	1
Slow follow-up	2
State Fire Marshal only reports when results are negative	1
No coordination regarding inspection departments	2
Differences between state and local fire codes	1
Scheduling of inspections poor	1

LOCAL FIRE

Lack of uniform requirements	1
------------------------------	---

Uncooperative, slow reporting departments	4
Lack of personnel	1
Delays created by state scheduling health inspections with local agency	1
Delay in inspections	4
Lack of qualified local fire inspectors	1
Unreasonable (petty) detail in fire inspections	1
Poor understanding of regulations and non-uniform inspections	2
Differences between state and local fire codes	1
STATE WELFARE	
Staff shortages	1
Incomplete information is provided to Health Department by Welfare	1
Not interpreting requirements the same as other departments	1
No coordination regarding inspecting departments	1
LOCAL WELFARE	
Incomplete information is provided to Health by Welfare	1
STATE BUILDING	
Building inspector too slow	1
Poor understanding of regulations and non-uniform inspections	1
Slowness to complete reinspection	1
LOCAL BUILDING	
Poor understanding of regulations and non-uniform inspections	1
Slowness in conducting reinspections	1
Slowness in initial inspection	1
STATE JUSTICE	
Criminal investigation clearance	1
STATE TAX	
Filing quarterly taxes	1
LOCAL ZONING	
Delay in zoning board consideration	1
Local zoning codes don't allow day care facilities in residential area	2

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APPENDIX F

WAYS OF SPEEDING UP THE LICENSING PROCESS

Question to licensing authorities: "In what ways could your current licensing procedure be speeded up without loss in effectiveness of program control?" (49 states responding*, multiple responses allowed)

RECOMMENDED IMPROVEMENTS	TIMES MENTIONED
INCREASE LICENSING STAFF	26
More personnel in all departments	16
Health and fire inspection could be speeded up with more personnel	5
Additional staff in Department of Public Welfare	2
Increase staff at local level	1
More family day care workers and nurses	1
More building and fire inspectors	1
More health facilities to quickly provide physicals on staff	1
More licensing staff	1
Licensing personnel elongated	1
STREAMLINE STATE PROCEDURE	18
Coordinate among departments	3
Make application form simpler	2
Faster service by Fire Marshal	1
Fire Marshal faster by use of rubber stamp instead of personal letter	1
License homes as fast as documents can be provided by applicant	1
Computerize administration procedure	1
County sanitarians need central control to help make reports more uniform and faster	1
Personal interview with operator to help operator with application forms	1
Computerize all day care facilities	1
Require fee to be submitted with application	1
Health certificate with application	1
More complete application (written data from application)	1
Information Packet with application	1
Inspect and return the report of the building inspector—could be quicker	1
REORGANIZE STATE STAFF	8
Combine health and welfare at state level	1
Appoint and fund a Fire Marshal	1
Have one person responsible for fire requirement	1
All fire and safety by state inspectors	1
Have inspectors in state fire and health offices	1
Need consultants	1
Unify health, building and fire inspection with appointment of specialists to Fire Marshal Office and Health Department	1
Designated personnel in Public Safety doing licensing	1

DEVELOP MORE WRITTEN STATE REQUIREMENTS	6
State Fire Marshal develop written standards	1
State-wide zoning laws	1
State-wide codes for fire, zoning, building and business licensing	1
Develop check sheet for Fire Marshal for family day care homes	1
Develop standards, codes, and policies in Health and Public Safety Departments that would be specifically for day care	1
Written regulations for Departments of Health and Fire Safety	1
REORGANIZE LOCAL STAFF	7
Have a day care coordinator in each county	2
Inspection renewal at local level	1
Transfer day care licensing to county welfare	1
Regionalize day care licensing function	1
Have more district offices instead of centralized as is	1
State appropriations to local departments involved in paying cost of service	1
RELAX REQUIREMENTS	5
Accept a recent health exam instead of developing a new one	1
Fire Marshal make inspection every 2 years instead of every 1 year on renewal	1
Renewal for an applicant be recommended on a consultant basis rather than a long formal one	1
For some cases, renewal without inspection	1
Special exemption from local authorities for day care facilities	1
MISCELLANEOUS	8
More education and cooperation between departments	3
Publicity about day care licensing needed	2
Department of Public Welfare commitment to program	1
Review and evaluation of services plan	1
Better Federal response to community day care needs	1
CANNOT DETERMINE ANY WAYS TO SPEED UP PROCEDURES	4

APPENDIX G

EDUCATION AND TRAINING REQUIREMENTS FOR DAY CARE CENTER AND FAMILY DAY CARE AND GROUP DAY CARE HOME STAFF

	DAY CARE CENTER		FAMILY DAY CARE HOME
	DIRECTOR	TEACHER	OPERATOR
ALABAMA	+	HS	NS
ALASKA	HS	NS	(NS)
ARIZONA*	NS	NS	NS
ARKANSAS	HS	NS	(NS)
CALIFORNIA	+	+	NS
COLORADO	+	HS	NS
CONNECTICUT	+	HS	NS
DELAWARE	+	+	(NS)
FLORIDA	NS	NS	NS
GEORGIA	HS	HS	NS
HAWAII	+	+	NS
IDAHO**	NS	NS	NS
ILLINOIS	+	+	NS
INDIANA	+	+	NS
IOWA	+	+	NS
KANSAS	+	NS	NS
KENTUCKY	NS	NS	NS
LOUISIANA*	NS	NS	NS
MAINE	+	HS	(NS)
MARYLAND	NS	NS	NS
MASSACHUSETTS*	+	+	NS
MICHIGAN	+	+	NS
MINNESOTA	NS	NS	NS
MISSISSIPPI* **	+	+	NS
MISSOURI	+	NS	(NS)
MONTANA	NS	NS	NS
NEBRASKA	+	+	NS
NEVADA*	+	NS	N/AP
NEW HAMPSHIRE	HS	HS	NS
NEW JERSEY*	+	+	N/AP
NEW MEXICO	NS	NS	NS
NEW YORK	NS	NS	NS
NORTH CAROLINA*	NS	NS	(NS)
NORTH DAKOTA	HS	NS	(NS)
OHIO*	+	HS	NS
OKLAHOMA	HS	HS	NS
OREGON*	NS	NS	N/AP
PENNSYLVANIA	+	+	NS
RHODE ISLAND	+	+	NS
SOUTH CAROLINA	NS	NS	(NS)
SOUTH DAKOTA	+	+	NS
TENNESSEE	+	+	NS
TEXAS	HS	NS	NS
UTAH	NS	NS	NS
VERMONT	NS	NS	(NS)
VIRGINIA	+	HS	NS
WASHINGTON	+	NS	NS
WEST VIRGINIA*	HS	NS	NS
WISCONSIN*	+	+	N/AP
WYOMING	+	+	NS
DISTRICT OF COLUMBIA	NS	NS	NS

+ Some college or equivalent experience

HS High school

NS Not specified

N/AP Not applicable

* No mandatory licensing requirement for family day care homes

** No mandatory licensing requirement for day care centers

No licensing law for homes

() Also a requirement for group day care homes



ABSTRACT OF DAY CARE LICENSING REGULATIONS: AGE RANGE, GROUP SIZE AND CHILD-STAFF RATIO

STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
1 ALABAMA	*	*	*	6 wks up to 3 2½-3 4-6 6-14	according to age 10 20 25	5:1 10:1 20:1 25:1
2 ALASKA	0-14	6	6:1	0-3	5	5:1
	Group Day Care Home 3-14	12	6:1	3-14	10	10:1
3 ARIZONA	(FIDCR certification only)			under 3	10	10:1
	0-6	5	5:1	3	15	15:1
	3-15	6	6:1	4-5	20	20:1
				6-15	25	25:1
				(A minimum of 2 staff members is required whenever the number of children on the premises exceeds 10.)		
4 ARKANSAS	0-13	6	6:1	0-1		4:1
		(with 1 under two)		2-3		6:1
	0-13	5	5:1	3-5		10:1
		(with 2 under two)		(If 10 children, two staff must be on duty during peak hours.)		
	Group Day Care Home 3-15 6+	12 12	5:1 6:1			
5 CALIFORNIA	Home Type 1 0-6	5	5:1	Under 2* 2-16		4:1 12:1**
	Home Type 2 3-15	6	6:1	* Special case		
	Special Home 3-15	10*	6:1**	**Or one teacher and one assistant for 15		
	*No children under 3					
	**With one or more pre-school, ratio is 5:1					
6 COLORADO	0-15	6	6:1	2-15	5-10 (Sml. Cntr) 11+ (Lrg. Cntr)	
	(No more than 2 under 2)			2-2½		6:1
				2½-3		8:1
				3-4		10:1
				4-5		12:1
				5+		15:1

STATE

FAMILY DAY CARE HOMES
(GROUP DAY CARE HOMES)

DAY CARE CENTERS

	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
7 CONNECTICUT	0-21	4	4:1	4 wks - 3 3+		
	4:1 Ratio with not more than 2 children under 2					
	2:1 Ratio with not more than 4 children under 2					
8 DELAWARE	Boarding Home 0-17	6	3:1 (infants) 6:1 (others)	0-1 1-2½ 2-3 4-5 6-17		5:1 8:1 15:1 20:1 25:1
	Group Day Care Home Preschool-14	11	6:1 (3 and over) 2:1 (Under 3)	No limits with the exception of those centers agreeing to receive federal purchase of care funds for more than 10% of their capacity will have the following limits:		
				3-4 4-6 6-14	15 20 25	5:1 7:1 10:1
9 DISTRICT OF COLUMBIA	0-15			Under 15 yrs. Under 18 mos. 1½-6		6:1 10:1
				There should be at least 2 persons in attendance with any group of more than 10 children over 6 years at all times.		
10 FLORIDA	0-16	5	5:1	under 2 2-5 6+		5:1 10:1 15:1
11 GEORGIA	0-16 (When 3 children under 2½, helping person in addi- tion to day care parent)	6	6:1	0-1½ 1½-2 3 4 5-6 7 and older	7 10 15 18 20 25	7:1 10:1 15:1 18:1 20:1 25:1
12 HAWAII	0-8 0-2 (May have 4 infants if there are 2 adults, includes parent's children)	5 2	5:1 2:1	2 3 4 5+		10:1 15:1 20:1 25:1
13 IDAHO	0-16 (No more than 2 under 2)	6	6:1	2½-5 6-16	10 10	10:1 10:1
				(Voluntary at present) If possible a minimum of 2 adults for any group.		
14 ILLINOIS	0-18 0-6 0-2 *Includes own children	8*	8:1 4:1 2:1	0-1 2 3 4 5 2-6 3-6	6 8 20 20 25 15 20	6:1 8:1 10:1 (full day) 20:2 (half day) 20:1 (full day) 25:2 (half day) 25:1 15:2 10:1

STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
15 INDIANA	0+	10	6:1	3 4 5 6+		10:1 12:1 15:1 20:1
16 IOWA	0-15	5	5:1	2 3 4 5 6+		6:1 12:1 15:1 18:1 25:1
17 KANSAS	0+ (With 2 under 2 years) 2+	4 6	4:1 6:1	3-4 5-6 7-16		12:1 16:1
18 KENTUCKY		6	6:1	under 3 2 3 4 5-12		6:1 8:1 10:1 12:1 15:1
19 LOUISIANA	under 17 (Limit of 2 unrelated children under 2) (FIDCR Certification only) *Including family's own children	6*	4:1	under 18 mos. 18 mos. +	6 14	6:1 14:1
20 MAINE	0-6 (No more than 2 under 2½) 0-15 *Includes own children under 8 Group Day Care Home 0-15 (No more than 3 under 2½)	6* 6* 12	5:1 6:1 6:1	2½-3 3 4 5 6-16		8:1 10:1 15:1 18:1 20:1
21 MARYLAND	1-15	4	4:1	1-15 (Special age groupings are specified for Kindergartens and Nurseries)		
22 MASSACHUSETTS	0-14 (Voluntary licensing)	2	2:1	3-4 5-6 (Under 3 hours care excluded for this table)	20 20	10:1 15:1
23 MICHIGAN	0-17 (Maximum of 2 infants, includes own children)	4	4:1	2½-3 4 5 2½-5		10:1 12:1 20:1 10:1
24 MINNESOTA	0-16 *Includes own children under 5 years (No more than 2 under 1)	5*	5:1	3-12		10:1
25 MISSISSIPPI (Voluntary Licensing Only)	0-6 (No more than 2 under 2) 3-14 *Includes own under 14 Group Day Care Home 3-14	5* 12	5:1 6:1 6:1	2 3 4 5 6-14	8 10 15 20 25	8:1 10:1 15:1 20:1 25:1
26 MISSOURI	0-16 Group Day Care Home 3-16 (No more than 2 under 2)	6 15	6:1 10:1	3+ 5+		10:1 15:1

STATE

FAMILY DAY CARE HOMES
(GROUP DAY CARE HOMES)

DAY CARE CENTERS

	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
27 MONTANA	0-11 (No more than 2 under 2)	6	6:1	2-3 4 5-13	15 20 25	10:1 10:1 10:1
28 NEBRASKA	0-2 0-12 (No more than 2 under 2)	4 7	4:1 7:1	2-5 6-12		7:1 12:1
29 NEVADA	(Not licensed)			0-2 2-5 6+	8 10	2:1 10:1 15:1
30 NEW HAMPSHIRE	0-16 0-16 *2 or 3 infants in group (Includes own pre-schoolers)	4* 6	4:1 6:1	3 4 5-15	15 20 20	8:1 10:1 10:1
31 NEW JERSEY	(FIDCR Certification only)			2 3 4 5(recommended only)	15 18 25	8:1 10:1 12:1 20:1
32 NEW MEXICO	0-17 (No more than 2 under 2)	6	6:1	0-1 2+ (Also have specifications for less than 3 hour care)		10:1 15:1
33 NEW YORK	8 wks-12 (no more than 2 under 2)	6	6:1	8 wks-1 1/2 1 1/2-2 3 4 5 6-13	8 10 15 20 20 25	4:1 5:1 5:1 7:1 7:1 10:1
34 NORTH CAROLINA	Group Day Care Home ** **Age range depends on mother's wishes, taking account the ages of her children (Family Day Care Homes, 5 or less, are licensed voluntarily)	15	7 1/2:1	0-8 mos. 0-1 1/2 (mixed groups) 1 1/2-2 1/2 2 3 4 5-6	8 8 6 12 16 20 25	4:1 4:1 6:1 8:1 12:1 15:1 18:1
35 NORTH DAKOTA	0-6 3-13 Group 0-3 3-13	5 6 12 12	5:1 6:1 3:1 6:1	Under 2* 2* 3-4 5+ *Under 3 with special approval		3:1 5:1 10:1 12:1
36 OHIO	0-14 (No more than 2 under 2) 3-14 (FIDCR Certification only for Homes caring for welfare supported children only)	5 6	5:1 6:1	Under 1 1/2 1 1/2-2 3-4 5+ "small groups"		8:1 10:1 15:1 20:1
37 OKLAHOMA	0-17	5	5:1	Infants in cribs 10 mos.-2 2 3 4 5 6+ Mixed ages, up to 2 infants	8 8 15 15 20 25	4:1 6:1 8:1 12:1 15:1 15:1 20:1 8:1

STATE

FAMILY DAY CARE HOMES
(GROUP DAY CARE HOMES)

DAY CARE CENTERS

	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO		AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
38 OREGON	Facilities with less than 5 children may be voluntary licensed. They are certified for FIDCR.				0-13		10:1
39 PENNSYLVANIA	0-6 (No more than 2 under 2) 3-15	5 6	5:1 6:1		3 4-5 6-7 8-9 10-15	15 20 25 25 25	7.5:1 10:1 12.5:1 12.5:1 12.5:1
40 RHODE ISLAND	0-15 (No more than 2 under 2) 0-15 (Special License)	4 7	4:1 7:1		3 4 5 6-15	10 15 25	5:1 7:1 12:1
41 SOUTH CAROLINA	Inf. + Group Day Care Home 3 4 5	7 15 15 15	7:1 8-10:1 10-14:1 15:1		Inf.-1 2 3 4 5		6:1 8:1 10:1 14:1 15:1
42 SOUTH DAKOTA	* *Depends on stamina and skills of parents	6	6:1		Inf.-13 9 Inf.-2 3-5 6-13	10-20 10 20 20	5:1 8:1 8:1 10:1
43 TENNESSEE	0-16 0-16 (License not required for Home caring for fewer than 5 children) *If more than 4 under 3	7* 7*	6:1 3½:1		2-16 2-3 4 5 3-5 6+	8 or more 20 20 25 20 30	10:1 15:1 25:1 15:1 30:1
44 TEXAS	0-15 Under 2 Under 6 2+ *2 under 2	6 6 6* 6	6:1 2:1 3:1 6:1		Under 18 mos. 1½-2 2 3 4 5 6-7 8-14		4:1 6:1 8:1 12:1 15:1 18:1 20:1 25:1
45 UTAH	0-14 (No more than 2 under 3)	6	6:1		2 3 4 5-6 7-14 *recommended	10* 15* 20* 25* 25*	10:1 15:1 15:1 20:1 25:1
46 VERMONT	0-14 (No more than 2 under 2) 3-14 Group Day Care Home 0+ 3+	6 9 12 12	6:1 9:1 6:1 12:1		Group size not specified. Child/Staff ratio: for the first group of 12 pre-school children 6:1 For each additional 9 pre-school children 9:1 In no event shall child/staff ratio exceed 8:1 For children under 2 — 2:1		
47 VIRGINIA	0-2 2+	10 10	3:1 6:1		Under 2 2+		3:1 10:1
48 WASHINGTON	2-12 0-12 *with 2 under 2	10 6*	7:1 6:1		0-1 1-2½ 2½+	10 10	5:1 7:1 10:1

STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
49 WEST VIRGINIA	0-13	5*	5:1	Under 3	8	8:1
	3-13	6	6:1	3-5	10	10:1
	*No more than 2 under 2			school age *	12-15	15:1
				school age **	20	
				2	8	8:1
				3	10	10:1
				4	15	15:1
				5	18	18:1
				6 +	20	20:1
				*mixed		
				**grouped by age		
50 WISCONSIN	Homes for 1-3 children not licensed			Under 1	6	3:1
	Small home-centered programs for four through eight children must meet same requirements as centers since they are classified as such.			1	8	4:1
				2-2½	12	6:1
				2½-3	16	8:1
				3	20	10:1
				4	24	12:1
				5-6	32	16:1
51 WYOMING	0-16	6	6:1	2-3		10:1
				4-5		15:1
				5-6		20:1
				7-17		

APPENDIX I

DISCREPANCIES MOST FREQUENTLY RESPONSIBLE FOR LICENSING DENIALS

Request to licensing authorities: "List and rank the ten discrepancies most frequently responsible for denials of licenses on initial application during the last three years."

DISCREPANCIES	TIMES MENTIONED
Housing Discrepancies	18
Staff Qualifications Discrepancies	33
Staff Size Discrepancies	10
Fire Regulation Discrepancies	20
Health Regulation Discrepancies	7
Sanitation Regulation Discrepancies	11
Zoning Discrepancies	10
Safety (General)	7
Program Discrepancies	9
Funding	12
Family Problems	7
Space Regulation Discrepancies	12
Equipment Regulation Discrepancies	6
Play Space	5
Improper Admissions	3
Miscellaneous Discrepancies	15
Don't know	3

ANTICIPATED REVISIONS IN REGULATIONS

Question to licensing authorities: "Are any substantial revisions to the day care regulations anticipated within the next two years? (If Yes) What major revisions do you expect? (list)"

	TIMES MENTIONED
STAFF QUALIFICATIONS	
Change in staff qualifications-lower requirement for aides	1
Bring staffing regulations in line with FIDCR	1
Refine staff training requirement on group care centers	1
Plan to establish training requirements for day care operators	1
Change qualifications of personnel	1
Update requirements for centers: educational requirement of staff	1
Teacher regulations and qualifications (experience and education)	1
Added educational and training requirements for staff	1
Set standards for educational requirements of staff	1
Changes in staff qualifications and training required	1
Requirement of director to have high school diploma or equivalent	1
Requirement for in-service training of staff	1
Career ladder component for child care workers	1
STAFF/CHILD RATIO	
Less strict requirements on staff/child ratio	1
In the area of staff/child ratio	1
Update regulations for centers: child/staff ratio	1
Changes in child/staff ratio	1
INFANT CARE	
Infants in group setting	1
Include infants thru 2 in centers	2
In the area of minimum age	1
Develop regulations for infants and toddlers	1
Enact regulations for infant day care centers	1
Infant standards	1
Lower to age 2 children in centers and homes	1
Introduce regulations on infants	1
Lower minimum age to 2 or lower in centers	1
Provide care for children under 2 in centers	1
Adequate standards for care of infants	1
Specific standards for infant care	1
Allow group care for children under 2 1/2	1
Infant care regulations written	1
Better regulations for infant care	1
SCHOOL AGE CARE	
Add requirements for school age care in centers	1
Specific standards for school age	1
Add rules for before and after school care	1

	TIMES MENTIONED		TIMES MENTIONED
NIGHT CARE		Expand control over number of hours	1
Write standards for extended day care and around the clock or 24 hour care (vacation and after school)	1	Revise standards for family day care homes	1
Add requirements for night time care in centers	2	PROGRAM	
Extend center hours to 24 hours	1	In the area of program	1
Specific standards for night care	1	Plan for parent involvement	1
Specific standards for shift care	1	Set standards for educational programs in facilities	1
Add standards for night time care	1	Set standards for provision of social services	1
May allow 24 hour care so can care for children at night	1	More explicit standards regarding program	1
Night time regulations written	1	GROUP SIZE	
24 hour care	1	In the area of coverage of nursery facilities	1
CLARIFICATION OF COVERAGE		In the area of coverage of kindergarten facilities	1
Clearer coverage of mentally retarded in nursery homes and centers	1	Limit on family homes covered—may not require license if only caring for 1 family's children	1
Differentiate between regulations for nursery school and day care centers	1	LEGAL	
Standards for group homes in the next year	1	Give state right to establish standards	1
Complete revision of group care to make all areas more specific: specific rules for day care rather than full time child care under revision	1	Clarify law as to who specifically sets standards	1
Separate regulations concerning group care, nursery schools and kindergartens	1	NONE	
		None (12 states)	12
HEALTH AND SANITATION AND SAFETY			
Regulations on bathrooms in buildings	1		
Provide for vendor food services in centers	1		
Set standards covering child transportation	1		
May include insurance requirement	1		
In the area of square footage	1		
in the area of nutrition	1		
Change in the type of structure that can be used	1		
Relax regulations for light and ventilation	1		
Relax restrictions on number of toilets and wash basins	1		
Relax health check on volunteers	1		
Clarify medical requirement on family members of day care home	1		
Approve 2nd story facilities	1		
MINOR AREAS OF CONCERN			
Simplify wording of regulations	1		
Delete philosophy in regulations—just put in standards	1		
State Health Division will issue licenses with welfare submitting social study (welfare does all now)	1		
Provide for provisional licenses	1		
Eliminate duplication and obsolete phraseology	1		
VAGUE AREAS			
Ages of children served to coordinate with FIDCR	1		
Administrative policy of centers	1		
Making rules more specific	1		
Simplification	1		
Updating rules and regulations	1		
"Those indicated as the result of the review and evaluation of programs"	1		
"Those currently indicated by experience"	1		
Want to conform with FIDCR	1		
Update regulations for centers: less rigid requirements	1		
Health department also revising	1		
Complete revision of day care regulations	1		
Coordinate definitions and regulations to be compatible with FIDCR	1		
Don't know	1		
Begin revisions regarding care homes	1		

